

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME

AGENDA ITEM: 1 **MEETING DATE:** 21/03/2025 **FILE:** PA2024/0392

APPLICATION PURPOSE: **RECONSIDERATION:** Mixed use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21 storey building including 4.5 levels of above ground level car parking

SUBJECT SITE: Lot 03981 Town of Darwin, 17 Harry Chan Avenue Darwin City (**Bookmark A**)

ZONE: CB (Central Business)

SITE AREA: The site comprises the existing City of Darwin Civic Centre and associated car parking and Civic Park. The proposed development is located on a 4694.35m² portion on the north-eastern corner of the site and is referred to as the development site.

APPLICANT Cunnington Rosse Town Planning and Consulting
Director - Brad Cunnington

PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE DCOH LAND PTY LTD – Managing Director Shane Dignan

LANDOWNER City of Darwin

ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND DCOH LAND PTY LTD – Managing Director Shane Dignan

1. BACKGROUND

The application for a mixed-use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21-storey building including 4.5 levels of above ground level car parking over Lot 03981 Town of Darwin, 17 Harry Chan Avenue Darwin City, was first heard by the Authority on 7 February 2025, where consideration was deferred to allow the applicant to provide further information on the following matters:

- Amended drawings re-designing the ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.
- Expanded architectural design statement to address how the proposed development achieves compliance with specific requirements of Clause 5.5.3 General Building and Site Design and 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include:

Item 1

- Clause 5.5.3 sub-clause 2 '*preserve vistas along streets to buildings and places of architectural, landscape or cultural significance*'.
- Clause 5.5.3 sub-clause 3 '*be sympathetic to the character of buildings in the immediate vicinity*'.
- Clause 5.5.3 sub-clause 4 '*minimise expanses of blank walls*'.
- Clause 5.5.3 sub-clause 9 '*minimise use of reflective surfaces*'.
- Clause 5.5.15 sub-clause 12 '*building design is to be sympathetic to the character of buildings in the immediate locality*'.
- Clause 5.5.15 sub-clause 14 '*building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare*'.

A copy of the deferral letter is at **Bookmark B**.

A copy of the previous assessment report to the Development Consent Authority (the Authority) is at **Bookmark G**, which includes all public submissions and service authority comments received, and the plans previously considered at the 7 February 2025 meeting, as well as an assessment against all relevant NT Planning Scheme (NTPS2020) clauses.

On 4 March 2025, the applicant provided additional information and amended plans to address the points of deferral above. This includes:

- Written response to the matters raised in the deferral letter (**Bookmark C1**);
- Revised Architectural Plans prepared by CA Architects (**Bookmark C2**);
- Revised Landscaping Plans prepared by Clouston Associates (**Bookmark C3**);
- Architectural Design Statement prepared by CA Architects (**Bookmark C4**);
- Facade Advice prepared by ADG Engineers (**Bookmark C5**);
- Traffic Advice prepared by Urbis (**Bookmark C6**); and
- Street Level Services Summary prepared by WSP (**Bookmark C7**).

Development Assessment Services also received advice from the Power and Water Corporation (PWC), Water Services and Power Network division regarding servicing and impact on active street frontage. A copy of the PWC comments is at **Bookmark D**.

The applicant's response to the points of deferral was circulated to all public submitters (including those who made late submissions). Additional comments have been received from 2 submitters (noting each person had previously made a submission to the original application) at the time of writing this report. These comments are at **Bookmark F**. Should any further comments be received, these will be tabled at the public meeting scheduled for this application.

The overall content of the application was not substantially altered and further public exhibition or circulation to service authorities was not considered warranted.

The intent of this report is to summarise the additional information received and to address any new or outstanding issues. For general information regarding the proposed development, including an assessment against the provisions of section 51 of the *Planning Act 1999*, the public submissions received and the full set of development plans, please refer to the previous Development Assessment Services (DAS) reports to the Authority at **Bookmark G**.

2. ASSESSMENT SYNOPSIS

The further information and amended plans respond to the matters of deferral and it is recommended that the consent authority approve the application subject to conditions on the development permit as detailed in section 9 of this report.

3. SECTION 117 – THIRD PARTY RIGHTS OF REVIEW

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* and clause 14(3)(d) of the *Planning Regulations 2000*, in respect of this determination, as the determination relates to development which is not in or adjacent to a residential zone.

4. CURRENT SITUATION

An assessment of each point of deferral is provided below.

Amended drawings re-designing the ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.

In response to the first point of deferral (refer to **Bookmark B**), the applicant provided a letter response, amended plans and additional information.

The applicant advised that the amended architectural plans and landscaping plans show an amended ground level building design including:

- *Increased the extent of active frontage by extending the full-height glass façade of the ground level commercial tenancy around the eastern edge, providing activation to The Esplanade frontage.*
- *Provision of full-height vertical landscaping along the street frontage in response to Clause 5.5.16 Active Street Frontage, together with the inclusion of additional screen landscaping and street furniture within the street boundary setback areas to Harry Chan Avenue and The Esplanade.*
- *Amend the building layout to consolidate the fire control and pump rooms, increasing the setback to the street boundary (approximately adjacent the inner road apex), providing additional space for street level landscaping and furniture / interpretive signage.*
- *Reduce the visual impact of services and infrastructure presenting to the street frontages by:*
 - *relocating the generator diesel tank beneath the service vehicle driveway (below ground level).*
 - *Amended the ground level building footprint to increase the building edge setback from the street boundaries to the fire control room and access pumps.*
 - *Relocating the hydraulic plant room to the podium level, and relocating the water assembly within the main building (noting that 2 hydrant booster assemblies are now required which must comply with the maximum separation to the fire truck access, and the minimum separation widths).*
 - *Consolidating access doors, including the switch room door opening onto the service driveway and located at the far end away from the street boundary; consolidating the sprinkler control valves, fire pump and control room access;*
 - *Providing an additional planting area in lieu of the relocated generator diesel tank, and providing an additional planting area by reducing the width of the pavement connection between the pedestrian plaza and the service vehicle driveway.*

Item 1

Furthermore, the following additional information was provided:

- Façade advice prepared by ADG.
- Traffic Statement (Access Arrangement) prepared by Urbis.
- Street Level Services Summary prepared by WSP.

In relation to Clause 5.5.16 Active Street Frontage, the development site is not identified in the Central Darwin Area Plan 2019 (CDAP 2019) as located along a priority activated frontage and therefore Clause 5.9.2.5 Development along Priority Activated Frontages does not apply.

The purpose of Clause 5.5.16 is to *provide a site responsive interface between commercial buildings and the public domain that:*

- a) is attractive, safe and functional for pedestrians;*
- b) encourages activity within the streetscape; and*
- c) encourages passive surveillance of the public domain.*

The proposed development previously considered by the DCA did not comply with sub-clause 5 and 6 of Clause 5.5.16, noting the following relevant sub-clauses:

- 3. Landscaping may be counted toward the percentage of active street frontage required under sub-clause 6 if it is comprised of: (a) significant existing vegetation; or (b) vertical landscaping for the full height of the ground level street frontage; and the development still meets the purpose of the clause*
- 4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages.*
- 5. Services on street level frontages are to be limited to:*
 - a. a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*
 - b. a direct single point of access to service equipment for all service authorities;*
 - c. required fire egress; and*
 - d. required fire booster connection points.*
- 6. Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*
 - a. windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
 - b. operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*
 - c. areas within the site that are used for alfresco dining that provide visual interaction with the street/public open space; or*
 - d. well-designed spaces that allow for pedestrian movement and/or seating.*

In the context of sub-clause 4, the applicant has provided additional information to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages. The WSP advice (**Bookmark C7**) outlines:

- *Fire control Room – required to be in close proximity and visible to the hydrant/sprinkler booster and sprinkler control valves.*
- *Egress Corridor – Required fire escape.*

Item 1

- *Sprinkler Valve Cupboards* – required to be in a secure room or enclosure which has direct access to a road or open space, and required to be in a separate room to the pump room for acoustic separation. Relocation has been investigated but rejected by NTFRS.
- *Booster Cabinets* – Two large bore suction connections required if total fire flow rate is more than 40 l/s, otherwise one required if less or equal than 40 l/s. Connection is to be within 4.5m to a hardstand to enable connection to the fire appliance (truck).
- *Substation* – Required (refer above reference to PWC reference drawing in Attachment F) however design location enables substation and access to be setback from the street frontage.
- *Main Switch Room* – Requires external double door for equipment loading and for emergency egress. NCC requires second emergency exit, with proposed switch room exiting to internal egress corridor, mitigating the need for a secondary egress to the street frontage.

Power and Water Corporation, Power Network provided supplementary to confirm that all reasonable measures are taken in the revised site plan to minimise the impact of power servicing requirements on active street frontages. These comments are summarised at section 7 of this report.

In addition, the applicant provided traffic advice which concluded that *the provision of two access points is considered to be a safer and more efficient outcome for the site and surrounding road network.*

As a consequence of the above advice, the application is considered to achieve better compliance with sub-clause 5, as traffic advice confirms compliance with sub-clause 5(a). However, the proposal continues to not comply with sub-clause 5(b) – (d) as more than one point of access is proposed to service equipment (5b) and services at street level frontage are not limited to required fire egress (5c) and required fire booster connection points (5d).

In the context of sub-clause 6, the applicant provided amended plans which relocates services and proposes additional areas of public seating, glazing and vertical landscaping along the Harry Chan Avenue frontage. This achieves better compliance with sub-clause 6, as the amended plans show approx. 32.7% (40m) active street frontage compared with the previous decision plans which only included 21.6% (26.5m).

It is acknowledged that the proposed development continues to require a variation to the requirements of sub-clause 5 and 6 of Clause 5.5.16.

Administratively, sub clause 2 specifies *that the consent authority may consent to a development that is not in accordance with sub clauses 5, 6 and 7 if:*

- a) an alternative solution effectively meets the purpose of this clause;*
- b) the site design reflects the established character of the area; or*
- c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub clause 4.*

In accordance with sub-clause 2(a), the proposed development provides a combination of landscaping including areas of vertical landscaping, public seating and glazing to create an attractive, safe and functional streetscape and to encourage activity and passive surveillance of the public domain along Harry Chan Avenue. It is also acknowledged that the proposed development has been deliberately designed to activate the development site internally, through the provision of glazing and a pedestrian thoroughfare along the north-western and

Item 1

south-western boundaries of the site provide access to and integrate with the identified priority pedestrian/cycleway network.

In accordance with sub-clause 2(b), the existing streetscape character of Harry Chan Avenue is varied and there are numerous examples of buildings that if assessed today would not comply with the activation requirements. The proposed development provides extensive landscaping within the street setback to respond to the existing character and enhance the amenity of the area.

In accordance with sub-clause 2(c), as outlined above DAS has reviewed the WSP advice (**Bookmark C7**) and accepts this as confirmation that the applicant has confirmed that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages. Strict adherence with the requirements of this clause would result in an outcome that fails to positively respond to the Civic Park interface and is ultimately unfeasible given servicing authorities would not be able to access the services if proposed to front Civic Park.

Expanded architectural design statement to address how the proposed development achieves compliance with specific requirements of Clause 5.5.3 General Building and Site Design and 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include:

- Clause 5.5.3 sub-clause 2 'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'.
- Clause 5.5.3 sub-clause 3 'be sympathetic to the character of buildings in the immediate vicinity'.
- Clause 5.5.3 sub-clause 4 'minimise expanses of blank walls'.
- Clause 5.5.3 sub-clause 9 'minimise use of reflective surfaces'.
- Clause 5.5.15 sub-clause 12 'building design is to be sympathetic to the character of buildings in the immediate locality'.
- Clause 5.5.15 sub-clause 14 'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare'.

In response to the second point of deferral, an architectural design statement has been prepared by CA architects to provide the Authority with an opinion on the proposal focussing on sub-clauses 2 – 4 and 9 of Clause 5.5.3 and sub-clauses 12 and 14 of Clause 5.5.15.

An assessment of each clause is provided below.

- Clause 5.5.3 sub-clause 2 'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'.

CA architects state that 'the proposed development does not impact any existing vistas along streets to buildings and places of architectural, landscape or cultural significance (Figure 4). The ground level is set in to maintain a visual connection at eye level from Cavanagh St through to Harry Chan Avenue. The development sleeves the south east perimeter of the site in order to preserve the view corridor from Cavanagh Street through to Galamarrma the Tree of Knowledge'.

The statement provided by CA Architects is noted and DAS further emphasis that existing vistas of Galamarrma the Tree of Knowledge across the development site are

Item 1

blocked by the existing City of Darwin Civic Centre and vistas of the Church Christ Cathedral are obtained from Smith Street – not across the development site.

Vistas to Civic Park are preserved through the provision of pedestrian thoroughfares along the north-western and south-western sides of the building.

DAS concur that the proposed development will not impact on any existing vistas along streets to buildings and places of architectural, landscape or cultural significance and therefore complies with sub-clause 2 of Clause 5.5.3.

- Clause 5.5.3 sub-clause 3 'be sympathetic to the character of buildings in the immediate vicinity'.
- Clause 5.5.15 sub-clause 12 'building design is to be sympathetic to the character of buildings in the immediate locality'

CA architects state *'the character of surrounding buildings is diverse in both scale and appearance. Adjacent buildings along Harry Chan Ave consist of a variety of lobbies, services including substations and hydrant boosters, solid walls and various crossovers and garage doors. Typologies and scales are mixed, with multi storey apartment buildings making up the bulk of adjacencies, in addition to multi storey offices, The William Forster Barrister chambers, and a small amount of commercial and private residential (Figure 5). The character of adjacent architecture is highly varied. The DCC is designed with the approach of being sympathetic to local character via material selection, colours, and textures that harmonize with the surrounds (Figure 6) while allowing for contemporary interpretation. The tower itself is set back from the podium to reduce its perceived scale and visual impact. The development is designed to limit its volumetric impact on buildings in the locality by siting of the tower to the corner of the site, adjacent to buildings of similar scales. In most instances, the ground plane recessed in and has planting zones sleeving where the building connects with the ground plane'.*

The statement provided by CA Architects is noted. Furthermore, of relevance, in its deferral the Authority described what it considered to be the 'locality' of the site. This is as follows:

'The Authority considers the locality of the site to encompass all land bordered by and internal to the north western side of Bennett Street, the north eastern side of Cavenagh Street and Harry Chan Avenue and the Esplanade to the south west and south east.

The land uses in the locality are primarily civic / community, commercial or residential in nature notably consisting of:

- *On the north eastern and south eastern side of Harry Chan Avenue are various office, mixed use and residential buildings ranging in height from 6 to 13 storeys.*
- *On the corner of Smith Street and the Esplanade is Christ Church Cathedral, a declared heritage place, and associated car parking and landscaped areas.*
- *On the southern side of Smith Street is the State Square Precinct which consists of the future State Square Art Gallery (currently under construction), the Supreme Court, Parliament House and Administrator's Office.*

Item 1

- *On the north western side of Bennett Street are various mixed use and office buildings ranging in height from one to 20 storeys.*

As described above, the locality is categorised by a range of extant lower scale buildings and more robust taller contemporary buildings and comprises a mix of uses. The Authority notes that it encompasses areas of significant community, cultural and heritage values. More broadly, the development site and the locality form part of Darwins Central Business District (CBD)'.

DAS acknowledges the locality is characterised by built form diversity, as outlined by CA Architects. The development site is located in Zone CB and in this context is considered currently underutilised as a car park. Furthermore, the development site is constrained by its unique interface with Civic Park and curved frontage to Harry Chan Avenue.

DAS considers that the design response reflects consideration of the site's opportunities and constraints, as well as the context and characteristics of the locality and therefore complies with sub-clause 3 of Clause 5.5.3 and sub-clause 12 of Clause 5.5.15.

- Clause 5.5.3 sub-clause 4 'minimise expanses of blank walls'.
- Clause 5.5.3 sub-clause 9 'minimise use of reflective surfaces'.
- Clause 5.5.15 sub-clause 14 'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare'.

In relation to blank walls, CA Architects state 'wherever possible, services including refuse, tanks and stores are accessed internally via the service vehicle loading dock in order to minimise the impact on the Harry Chan Avenue streetscape. Air conditioner plant is elevated to roof and an intermediate plant level, which are both fully screened from neighbouring properties. Where services must be boundary adjacent, planting is proposed with the entirety of the Harry Chan Avenue boundary sleeved with full height vegetation. The ground plane facing Harry Chan Avenue has been recessed below the ramp, with access doors rationalised in order to maximise planting opportunity and push service door access below the shadow of the building'.

DAS accept the statement of CA Architects and considers that the proposed development has sought to limit extent of blank walls to that which are necessary. Where elements of blank walls are necessary, particularly through the provision of servicing, landscaping is proposed to both screen and filter views of the proposed development.

In relation to reflective surfaces / reflected glare, CA Architects state 'the development utilises a high level of façade glazing, however, the extent of glazing has been rationalised to that which is required for the amenity of future users of the building. Whilst glass is a reflective surface, modern glare-reducing glazing is proposed to minimise visible light reflectance. Furthermore, glazing is it an effective material to promote site activation through enhanced visibility, transparency, and interaction between spaces. The partial reflectivity that does occur can be an effective tool in reflecting the surrounding environment which enhances a site's presence, particularly at night where illuminated interiors create a welcoming glow, keeping the site activated even after dark. Visual

Item 1

connectivity and passive surveillance (figure 8) are improved, whilst a high degree of amenity is provided to internal building users through perceived spaciousness and natural light access'.

DAS notes that inherently the proposed development incorporates extensive areas of glazing. DAS accept the advice of CA architects that modern glare reducing glazing is proposed to minimise reflectivity. This advice is supported by façade advice prepared by ADG which advises *'low-emissivity glass is being adopted to reduce solar energy (heat) gains within the building by rejecting solar light in the infra-red and ultra-violet light wavelengths. Infra-red and ultra-violet light wavelengths are not visible to the human eye. Consideration is being given to selecting glass with external light reflectivity levels (within the visual light wavelengths) that is within generally accepted tolerances established by local authorities in Australia. Such thresholds generally do not exceed 20% external reflectivity levels'.*

Based on the above, it is considered that the proposed development complies with sub-clause 4 and 9 of Clause 5.5.3 and sub-clause 14 of Clause 5.5.15.

In summary:

- The proposed development is considered to achieve better compliance with sub-clause 5 of Clause 5.5.16 Active Street Frontage, as traffic advice confirms compliance with sub-clause 5(a) *'a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site)'*. Furthermore, the amended plans relocates services and proposes additional areas of public seating, glazing and vertical landscaping along the Harry Chan Avenue frontage. This achieves better compliance with sub-clause 6, as the amended plans show approx. 32.7% (40m) active street frontage compared with the previous decision plans which only included 21.6% (26.5m).
- The statement prepared by CA Architects is noted and confirms that the proposed development achieves compliance with:
 - Clause 5.5.3 sub-clause 2 *'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'*.
 - Clause 5.5.3 sub-clause 3 *'be sympathetic to the character of buildings in the immediate vicinity'*.
 - Clause 5.5.3 sub-clause 4 *'minimise expanses of blank walls'*.
 - Clause 5.5.3 sub-clause 9 *'minimise use of reflective surfaces'*.
 - Clause 5.5.15 sub-clause 12 *'building design is to be sympathetic to the character of buildings in the immediate locality'*.
 - Clause 5.5.15 sub-clause 14 *'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare'*.

7. SERVICE AUTHORITY COMMENTS

The original application was circulated to the service authorities and comments received were discussed in the original assessment report to the Authority (refer **Bookmark G**). Noting that the overall substance of the application was not substantially altered, further circulation to service authorities was not considered warranted. The previous comments provided on the original development proposal still apply to the proposed changes.

Item 1

Since the preparation of the original assessment report to the Authority, Power and Water Corporation, Water Services have provided comments (refer to **Bookmark D1**) and Power and Water Corporation, Power Network have provided a supplementary response. Key comments include:

Power and Water, Water Services

- Subdivision clearance is required prior to clearance of this proposed development.
- This response relates exclusively to the development proposed for Lot 3981, further development may require additional network upgrades.
- If the water pressures prove insufficient for future irrigation demands, pumps with break tanks equipped with slow-opening and closing valves is recommended.
- A new sewer access chamber is required near the boundary to serve as the sewer connection point for the proposed development. The new sewer connection within the lot will require registration of easements. The developer is advised to engage a hydraulic consultant.
- The developer will need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.

All comments received from Power and Water Corporation, Water Services can be addressed by way of permit notes and conditions.

Power and Water, Power Network

- The Proponent has consulted with PWC to carry out suitable power servicing design in accordance with DLPE's "Design Guidance to Provide for Services" on specific technical matters such as:
 - No building basement consideration;
 - Building location consideration above ground to mitigate the ability for ground level screening;
 - Minimizing visual impact consideration of the substation building as being located behind the service vehicle area and removing it further away from the street frontage;
 - Opportunity consideration for screen landscaping and separation whilst complying with critical operational and safety access compliance as per PWC standard indoor substation building design requirements.
- The indoor substation building is located away from Harry Chan Avenue frontage with suitable 24hr all-weather access for safe operations and maintenance services when required.
- All reasonable measures are taken in the revised site plan to minimise the impact of power servicing requirements on active street frontages.

The supplementary comments received from Power and Water, Power Network are noted.

8. PUBLIC SUBMISSIONS

The original application was placed on public exhibition for a period of two weeks. Twenty public submissions were received under section 49 of the *Planning Act 1999*, along with 2 late submissions. One additional late submission was received, refer to **Bookmark E**.

The additional late submission was submitted by Vivienne Hayward on behalf of fourteen people associated with the Christ Church Cathedral. The submission expressed concerns that the proposed development would demean the dignity of the cathedral and other significant public buildings at the top end of Smith Street (including the Legislative Assembly and the

Item 1

Supreme Court) and raised that it would be totally inappropriate to introduce the commercial premises into the city's only civic space.

Key issues raised in the additional late submission relate to the scale and design of built form, heritage and respect of Darwin's character. A response to these issues is addressed at section 7(e) of the previous assessment report to the Authority, refer to **Bookmark G**.

The applicant's response to the points of deferral were circulated to all public submitters (including those who made late submissions). Additional comments have been received from 2 submitters (noting each person had previously made a submission to the original application) these additional comments are at **Bookmark F**.

The additional comments received from Jan Hills (**Bookmark F1**) principally relates to the impacts of the proposed development on the stained glass window of the Cathedral.

The additional comments received from Margaret Clinch (**Bookmark F2**) principally relates to questions regarding the civic nature of the proposed development and the appropriateness of its location adjacent to Civic Park and expressed concerns regarding potential amenity impacts. In addition, the additional comments expressed concerns with the funding arrangements.

Key issues raised in the additional comments relate to the funding arrangements, overshadowing impacts and scale and design of built form, heritage and respect of Darwin's character. A response to these issues is addressed at section 7(e) of the previous assessment report to the Authority, refer to **Bookmark G**.

9. RECOMMENDATION

That, the Development Consent Authority reduce the car parking requirements pursuant to clause 5.9.2.12 Reduction in car parking spaces in Darwin City Centre and vary the requirements of clauses 5.2.4.4 Layout of Car Parking Area, 5.2.5 Loading Bays, 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC, 5.5.15 Design in Commercial and Mixed Use Areas, 5.5.16 Active Street Frontages, 5.9.2.2 Volumetric Control and 5.9.2.13 Design of Car Parking Areas and Vehicle Access, of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 03981 Town of Darwin, 17 Harry Chan Avenue, Darwin for the purpose of mixed use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21 storey building including 4.5 levels of above ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Full set of development plans, including elevations, showing details of the active frontage as demonstrated in the development changes provided in the deferral response plans, DA-003 Revision 6 (Ground Level Site Plan – Proposed) and DA- 101 Revision 5 (Site Plan) provided on 3 March 2025. The plans must include de-

Item 1

tails on colours, materials, and any changes submitted in the deferral response dated 3 March 2025.

- b. Location of heritage interpretation signage reflecting the heritage of the site, particularly in relation to Chinese presence and history in Darwin, link from Travellers Walk to the Tree of Knowledge and the WWII oil tunnels.
 - c. Location of wayfinding signage in relation to pedestrian, cyclist and vehicle access.
 - d. A lighting design plan showing details of all external lighting to ensure that accessways are adequately illuminated.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended landscaping plan, to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will form part of the permit. The amended landscaping plan is to reflect the sustainability initiative to utilise water sensitive urban design principles in the public open space and landscaping.
3. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), a Heritage and Unexpected Archaeological Finds Management Plan shall be submitted to and approved by the Heritage Branch of the Department of Lands, Planning and Environment, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), a dilapidation report covering infrastructure within the road reserve is to be prepared to the requirements of City of Darwin, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Guidelines must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
8. Prior to the commencement of works (including site preparation), an Environmental and Construction Management Plan (ECMP) is to be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction. The ECMP should include details of the location of the crane and any holding areas.
9. Prior to the commencement of works (including site preparation), a car parking management plan (CMP) must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will form part of the permit. The plan must include car parking allocated and sign posted/marked, with 258 car parking spaces available for the use of the office, place of assembly, community centre and retail premises – restaurant/café and 202 available for the use of the "Car Park".

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notations 1, 2 and 3 for further information.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
13. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
14. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
15. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather-seal coat;
 - d) drained;
 - e) line marked to indicate each car space and all access lanes; and
 - f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of City of Darwin, to the satisfaction of the consent authority.
17. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
18. All works recommended by the traffic impact assessment endorsed as forming part of this permit are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. Before the use/occupation of the development starts, the landscaping works and sustainability initiatives shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
20. The landscaping and sustainability initiatives shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
21. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
22. The owner shall:

Item 1

- a) remove disused vehicle and/ or pedestrian crossovers;
- b) provide footpaths/ cycleways;
- c) collect stormwater and discharge it to the drainage network; and
- d) undertake reinstatement works;

all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

23. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Harry Chan Avenue pavement and footpath, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
24. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
25. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
26. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
27. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
28. Before the use or occupation of the development, heritage interpretation signage is to be installed, to the satisfaction of the Heritage Branch of the Department of Lands, Planning and Environment, to the satisfaction of the consent authority.
29. The sustainability initiatives, as detailed in the endorsed sustainability report , must be implemented and maintained at all times, to the satisfaction of the consent authority.
30. Written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian Standards for car parking must be provided in instances where the car parking does not comply with the minimum requirements of 5.2.4.4 Layout of Car Parking Area of the Northern Territory Planning Scheme 2020, to the satisfaction of the consent authority.
31. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
32. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via

Item 1

email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence NT for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
6. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence NT or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
7. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager, Infrastructure of the City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 “Protection of Trees on Development Sites”. Copies of AS 4970-2009 “Protection of Trees on Development Sites” can be obtained from the Australian Standards website.
8. A “Permit to Work Within a Road Reserve” may be required from City of Darwin before commencement of any work within the road reserve.
9. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

Item 1

10. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
11. Part of the subject lot is a declared heritage place, and no work is to be carried out within the declared heritage place without following appropriate processes under the terms of the *Heritage Act 2011*.
12. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
13. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
14. The Department of Infrastructure and Logistics (previously known as Department of Infrastructure, Planning and Logistics) released a discussion paper on electric vehicles in 2019 and new developments in Central Darwin should consider incorporation of this infrastructure in the design phase to support future investment in sustainable transport, including parking/charging points.

10. REASONS FOR THE RECOMMENDATION

1. The application seeks approval for a mixed-use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21-storey building including 4.5 levels of above ground level car parking. The application was submitted by Mr Brad Cunnington of Cunnington Rosse Town Planning and Consulting on behalf of Shane Dignan Director of DCOH Land. The City of Darwin is the landowner and provided a signed owners authorisation which formed part of the application.

The application is located on Lot 3981 Town of Darwin, which is defined as the site pursuant to Schedule 2 of the Northern Territory Planning Scheme 2020 (NTPS 2020). The site comprises the existing City of Darwin Civic Centre and associated car parking and Civic Park. The proposed development is located on a 4694.35m² portion on the north-eastern corner of the site and is referred to as the development site. The development site was re-zoned from Zone CP (Community Purpose) to Zone B1 (Central Business) on 12 June 1991.

The development site is irregular in shape with a northern and eastern curved frontage to Harry Chan Avenue and is currently developed as a car park associated with the existing City of Darwin Civic Centre comprising 95 car parking spaces and some landscaping.

This application was first considered by the Authority at its meeting on 07 February 2025. The application was subsequently deferred to enable the applicant to provide the following additional information that the Authority considered necessary in order to enable proper consideration of the application. This is discussed further below.

Item 1

During the meeting on February 7, 2025, the Authority concluded that the site cannot be considered in isolation and must be assessed within the context of its surrounding area. The Authority viewed that the locality of the site includes all land bordered by and within the north-western side of Bennett Street, the north-eastern side of Cavenagh Street, Harry Chan Avenue, and the Esplanade to both the south-west and south-east.

The land uses in the locality are primarily civic / community, commercial or residential in nature notably consisting of:

- On the north-eastern and south-eastern side of Harry Chan Avenue are various office, mixed-use and residential buildings ranging in height from 6 to 13 storeys.
- On the corner of Smith Street and the Esplanade is Christ Church Cathedral, a declared heritage place, and associated car parking and landscaped areas.
- On the southern side of Smith Street is the State Square Precinct which consists of the future State Square Art Gallery (currently under construction), the Supreme Court, Parliament House and Administrator's Office.
- On the north-western side of Bennett Street are various mixed use and office buildings ranging in height from one to 20 storeys.

As described above, the locality is categorised by a range of extant lower scale buildings and more robust taller contemporary buildings and comprises a mix of uses. The locality encompasses areas of significant community, cultural and heritage values. More broadly, the development site and the locality form part of Darwin's Central Business District (CBD).

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land and offices, a community centre, a place of assembly, food premises – café /restaurant and a car park require consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(v), therefore Part 2: Strategic Framework (Central Darwin Area Plan 2019), Part 3: Overlay (Clause 3.13 Gateway Locations), Part 4: Zone Purpose and Outcomes of Clause 4.10 – Zone CB (Central Business) and Part 5: Development Requirements, including Clauses 5.2.1 General Height Control, 5.2.4.4 Layout of Car Parking Area, 5.2.5 Loading Bays, 5.2.6.2 Landscaping in Zone CB, 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC, 5.5.1 Interchangeable Use and Development, 5.5.3 General building and site design, 5.5.4 Expansion of Existing Use or Development in Zones CB C SC and TC, 5.5.11 Food Premises, 5.5.15 Design in Commercial and Mixed Use Areas, 5.5.16 Active Street Frontages, 5.8.4 Exhibition Centre, Place of Assessment and Place of Worship and 5.9.2 Darwin City Centre, need to be considered.

In relation to Part 2 of the NTPS 2020, the development site is located in the Central Darwin Area Plan 2019 (CDAP 2019) and is identified for Civic and Community Purpose within a Gateway Precinct. The priority pedestrian/cycleway network is identified though the development site and along Harry Chan Avenue, green links are identified along Harry Chan Avenue and the Heritage Oil Tunnels are identified running beneath the development site.

Item 1

The CDAP 2019 specifies that acceptable responses serve as action-based policy statements to guide land use and development, however, do not prevent the use of land consistent with the current zoning of the site. Furthermore, the CDAP 2019 may specify additional requirements for a development consistent with an existing zone.

In this context, the proposed development complies with the CDAP 2019 through its incorporation of acceptable responses into the design. Acceptable responses that are incorporated into the design include:

Mixed Use Theme:

- Provision of additional storeys of height as part of the building design addresses the Gateway Precinct.

Social Infrastructure Theme:

- A local level public library.
- New public open space comprising a variety of landscaping, public seating and public bicycle hoops to integrate with existing public open space and to complement the function of the proposed public library and civic centre.
- New pedestrian thoroughfares along the north-western and south-western boundaries of the site provides access to and integrates with the identified priority pedestrian/cycleway network. Trees are proposed along the southern boundary which will assist in cooling the city and encourage pedestrian use of the thoroughfare.

Culture and Heritage Theme:

- The development site is directly adjacent to the Tree of Knowledge (Galamarrma) and Christ Church Cathedral Heritage Precinct which are both declared heritage places under the Heritage Act 2011. In addition, the Heritage WWII Oil Tunnels are located beneath the site, the application confirms that '*the building layout avoids directly overlying the existing oil tunnels, and retains the opportunity for future connectivity to recognise the heritage values*'.
- All advice provided by the Heritage Branch of the Department of Lands, Planning and Environment, should a permit be issued, will be applied as condition precedents and general conditions. Detailed consideration of heritage matter are discussed below.
- At the hearing, the Authority asked the applicant if an arborist report had been prepared regarding the Tree of Knowledge. Mr Cunnington confirmed that the City of Darwin had prepared an arborist report and that it recommended a minimum 15 metre Tree Protection Zone (TPZ) and noted that the development site is beyond the TPZ.

Movement and Transport Theme:

- The provision of pedestrian thoroughfares along the north-western and south-western sides of the building that provide access to and integrate with the identified priority pedestrian/cycleway network and access through the development site.
- The proposed extent of landscaping and provision of end of trip facilities and public bicycle hoops provides an enhanced pedestrian and cyclist amenity. A

Item 1

general condition is recommended to be applied to require drawings be updated to show details of signage identifying pedestrian and / or cyclist networks and end of trip facilities.

Essential Infrastructure Theme:

- The proposed services are incorporated into the building and will be screened from the streetscape via the proposed landscaping. The proposed diesel generator, located in the Harry Chan Avenue setback, will be screened via a 1.8m high aluminium batten screen.
- Comments from service authorities can be accommodated through standard permit conditions, should a permit issue.
- In response to encouraging innovation and sustainability, ESD measures will be incorporated into the building design. In addition, a permit note will ensure consideration is given to Electric Vehicle (EV) parking / charging points in the detailed design phase to support future investment in sustainable transport.

Regarding Part 3 of the NTPS 2020, the development site is affected by the Gateway Overlay which requires assessment of Clause 5.9.2.8 of Part 5 of the NTPS 2020 and this is further considered at reason 5 below. The CDAP 2019 requirements for Gateway sites are considered above.

In relation to Part 4 of the NTPS 2020, The development site is located in Zone CB (Central Business) which seeks to *promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.* The proposed development aligns with the intent of Zone CB to provide a mixed-use environment that maximises its function.

3. The application was initially deferred by the Authority to require that the applicant provide a more extensive consideration of Clauses 5.5.3 and 5.5.15 of the NTPS 2020, including, how the proposal is sympathetic to the character of buildings in the immediate locality, how the expanses of blank walls and reflective glare is minimised. Furthermore, the application was deferred to require amended drawings reflecting a re-design of ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.

An assessment against the deferral and relevant clauses is provided below:

Clause 5.5.16 Active Street Frontage

In relation to Clause 5.5.16 Active Street Frontage, the development site is not identified in the CDAP 2019 as located along a priority activated frontage and therefore Clause 5.9.2.5 Development along Priority Activated Frontages does not apply.

The purpose of Clause 5.5.16 is to *provide a site responsive interface between commercial buildings and the public domain that:*

- a) *is attractive, safe and functional for pedestrians;*
- b) *encourages activity within the streetscape; and*
- c) *encourages passive surveillance of the public domain.*

The proposed development previously considered by the DCA did not comply with sub-clause 5 and 6 of Clause 5.5.16, noting the following relevant sub-clauses:

Item 1

5. *Landscaping may be counted toward the percentage of active street frontage required under sub-clause 6 if it is comprised of: (a) significant existing vegetation; or (b) vertical landscaping for the full height of the ground level street frontage; and the development still meets the purpose of the clause*
6. *Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages.*
11. *Services on street level frontages are to be limited to:*
 - a. *a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*
 - b. *a direct single point of access to service equipment for all service authorities;*
 - c. *required fire egress; and*
 - d. *required fire booster connection points.*
12. *Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*
 - a. *windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
 - b. *operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*
 - c. *areas within the site that are used for alfresco dining that provide visual interaction with the street/public open space; or*
 - d. *well-designed spaces that allow for pedestrian movement and/or seating.*

In the context of sub-clause 4, the applicant provided additional information to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages. The WSP advice outlines:

- *Fire control Room - required to be in close proximity and visible to the hydrant/sprinkler booster and sprinkler control valves.*
- *Egress Corridor - Required fire escape.*
- *Sprinkler Valve Cupboards - required to be in a secure room or enclosure which has direct access to a road or open space, and required to be in a separate room to the pump room for acoustic separation. Relocation has been investigated but rejected by NTFRS.*
- *Booster Cabinets - Two large bore suction connections required if total fire flow rate is more than 40 l/s, otherwise one required if less or equal than 40 l/s. Connection is to be within 4.5m to a hardstand to enable connection to the fire appliance (truck).*
- *Substation - Required (refer above reference to PWC reference drawing in Attachment F) however design location enables substation and access to be setback from the street frontage.*
- *Main Switch Room - Requires external double door for equipment loading and for emergency egress. NCC requires second emergency exit, with proposed switch room exiting to internal egress corridor, mitigating the need for a secondary egress to the street frontage.*

Item 1

In addition, the applicant provided traffic advice which concluded that *the provision of two access points is considered to be a safer and more efficient outcome for the site and surrounding road network.*

As a consequence of the above advice, the application is considered to achieve better compliance with sub-clause 5, as traffic advice confirms compliance with sub-clause 5(a). However, the proposal continues to not comply with sub-clause 5(b) – (d) as more than one point of access is proposed to service equipment (5b) and services at street level frontage are not limited to required fire egress (5c) and required fire booster connection points (5d).

In the context of sub-clause 6, the applicant provided amended plans which relocates services and proposes additional areas of public seating, glazing and vertical landscaping along the Harry Chan Avenue frontage. This achieves better compliance with sub-clause 6, as the amended plans show approx. 32.7% (40m) active street frontage compared with the previous decision plans which only included 21.6% (26.5m).

It is acknowledged that the proposed development continues to require a variation to the requirements of sub-clause 5 and 6 of Clause 5.5.16.

Administratively, sub clause 2 specifies *that the consent authority may consent to a development that is not in accordance with sub clauses 5, 6 and 7 if:*

- a) *an alternative solution effectively meets the purpose of this clause;*
- b) *the site design reflects the established character of the area; or*
- c) *it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub clause 4.*

In accordance with sub-clause 2(a), the proposed development provides a combination of landscaping including areas of vertical landscaping, public seating and glazing to create an attractive safe and functional streetscape and to encourage activity and passive surveillance of the public domain along Harry Chan Avenue. It is also acknowledged that the proposed development has been deliberately designed to activate the development site internally, through the provision of glazing and a pedestrian thoroughfare along the north-western and south-western boundaries of the site provide access to and integrate with the identified priority pedestrian/cycleway network.

In accordance with sub-clause 2(b), the existing streetscape character of Harry Chan Avenue is varied and there are numerous examples of buildings that if assessed today would not comply with the activation requirements. The proposed development provides extensive landscaping within the street setback to respond to the existing character of the area and enhance the amenity of the area.

In accordance with sub-clause 2(c), as outlined above DAS has reviewed the WSP advice and accepts this as confirmation that the applicant has confirmed that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages. Strict adherence with the requirements of this clause would result in an outcome that fails to positively respond to the Civic Park interface and is ultimately unfeasible given servicing authorities would not be able to access the services if proposed to front Civic Park.

Item 1

Clause 5.5.3 – General Building and Site Design and Clause 5.5.15 Design in Commercial and Mixed Use Areas

The assessment confirms the proposed development's compliance with sub-clause 1 – 16 of Clause 5.5.3 and with sub-clause 12 – 16 and 18 – 23 of Clause 5.5.15.

A detailed assessment of the proposed development's compliance with sub-clause 2,3, 4 and 9 of Clause 5.5.3 and sub-clause 12 and 14 of Clause 5.5.15 is provided below.

Sub-clause 2 'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'

In relation to sub-clause 2, CA architects state that *'the proposed development does not impact any existing vistas along streets to buildings and places of architectural, landscape or cultural significance (Figure 4). The ground level is set in to maintain a visual connection at eye level from Cavanagh St through to Harry Chan Avenue. The development sleeves the south east perimeter of the site in order to preserve the view corridor from Cavanagh Street through to Galamarrma the Tree of Knowledge.'*

The statement provided by CA Architects is noted and DAS further emphasis that existing vistas of Galamarrma the Tree of Knowledge across the development site are blocked by the existing City of Darwin Civic Centre and vistas of the Church Christ Cathedral are obtained from Smith Street – not across the development site.

Vistas to Civic Park are preserved through the provision of pedestrian thoroughfares along the north-western and south-western sides of the building.

DAS concur that the proposed development will not impact on any existing vistas along streets to buildings and places of architectural, landscape or cultural significance and therefore complies with sub-clause 2 of Clause 5.5.3.

Sub-clause 3 'be sympathetic to the character of buildings in the immediate vicinity'
Sub-clause 12 'building design is to be sympathetic to the character of buildings in the immediate locality'

In relation to sub-clause 3 and 12, CA architects state *'the character of surrounding buildings is diverse in both scale and appearance. Adjacent buildings along Harry Chan Ave consist of a variety of lobbies, services including substations and hydrant boosters, solid walls and various crossovers and garage doors. Typologies and scales are mixed, with multi storey apartment buildings making up the bulk of adjacencies, in addition to multi storey offices, The William Forster Barrister chambers, and a small amount of commercial and private residential (Figure 5). The character of adjacent architecture is highly varied. The DCC is designed with the approach of being sympathetic to local character via material selection, colours, and textures that harmonize with the surrounds (Figure 6) while allowing for contemporary interpretation. The tower itself is set back from the podium to reduce its perceived scale and visual impact. The development is designed to limit its volumetric impact on buildings in the locality by siting of the tower to the corner of the site, adjacent to buildings of similar scales. In most instances, the ground plane recessed in and has planting zones sleeving where the building connects with the ground plane.'*

Item 1

The statement provided by CA Architects is noted. Furthermore, of relevance, in its deferral the Authority described what it considered to be the 'locality' of the site. This is as follows:

'The Authority considers the locality of the site to encompass all land bordered by and internal to the north western side of Bennett Street, the north eastern side of Cavenagh Street and Harry Chan Avenue and the Esplanade to the south west and south east.

The land uses in the locality are primarily civic / community, commercial or residential in nature notably consisting of:

- *On the north eastern and south eastern side of Harry Chan Avenue are various office, mixed use and residential buildings ranging in height from 6 to 13 storeys.*
- *On the corner of Smith Street and the Esplanade is Christ Church Cathedral, a declared heritage place, and associated car parking and landscaped areas.*
- *On the southern side of Smith Street is the State Square Precinct which consists of the future State Square Art Gallery (currently under construction), the Supreme Court, Parliament House and Administrator's Office.*
- *On the north western side of Bennett Street are various mixed use and office buildings ranging in height from one to 20 storeys.*

As described above, the locality is categorised by a range of extant lower scale buildings and more robust taller contemporary buildings and comprises a mix of uses. The Authority notes that it encompasses areas of significant community, cultural and heritage values. More broadly, the development site and the locality form part of Darwins Central Business District (CBD).'

The locality is characterised by built form diversity, as outlined by CA Architects. The development site is located in Zone CB and in this context is considered currently underutilised as a car park. Furthermore, the development site is constrained by its unique interface with Civic Park and curved frontage to Harry Chan Avenue.

It is considered that the design response reflects consideration of the site's opportunities and constraints, as well as the context and characteristics of the locality and therefore complies with sub-clause 3 of Clause 5.5.3.

Sub-clause 4 'minimise expanses of blank walls.'

Sub-clause 9 'minimise use of reflective surfaces.'

Sub-clause 14 'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.'

In relation to blank walls, CA Architects state 'wherever possible, services including refuse, tanks and stores are accessed internally via the service vehicle loading dock in order to minimise the impact on the Harry Chan Avenue streetscape. Air conditioner plant is elevated to roof and an intermediate plant level, which are both fully screened from neighbouring properties. Where services must be boundary adjacent, planting is proposed with the entirety of the Harry Chan Avenue boundary sleeved with full height vegetation. The ground plane facing Harry Chan Avenue has been recessed below the ramp, with access doors rationalised in order to maximise planting opportunity and push service door access below the shadow of the building'.

Item 1

The statement of CA Architects is accepted and it is considered that the proposed development has sought to limit extent of blank walls to that which are necessary. Where elements of blank walls are necessary, particularly through the provision of servicing, landscaping is proposed to both screen and filter views of the proposed development.

In relation to reflective surfaces / reflected glare, CA Architects state *'the development utilises a high level of façade glazing, however, the extent of glazing has been rationalised to that which is required for the amenity of future users of the building. Whilst glass is a reflective surface, modern glare-reducing glazing is proposed to minimise visible light reflectance. Furthermore, glazing is it an effective material to promote site activation through enhanced visibility, transparency, and interaction between spaces. The partial reflectivity that does occur can be an effective tool in reflecting the surrounding environment which enhances a site's presence, particularly at night where illuminated interiors create a welcoming glow, keeping the site activated even after dark. Visual connectivity and passive surveillance (figure 8) are improved, whilst a high degree of amenity is provided to internal building users through perceived spaciousness and natural light access'*.

The proposed development inherently incorporates extensive areas of glazing. The advice of CA architects is accepted regarding that modern glare reducing glazing is proposed to minimise reflectivity. This advice is supported by façade advice prepared by ADG which advises *'low-emissivity glass is being adopted to reduce solar energy (heat) gains within the building by rejecting solar light in the infra-red and ultra-violet light wavelengths. Infra-red and ultra-violet light wavelengths are not visible to the human eye. Consideration is being given to selecting glass with external light reflectivity levels (within the visual light wavelengths) that is within generally accepted tolerances established by local authorities in Australia. Such thresholds generally do not exceed 20% external reflectivity levels'*.

Based on the above, it is considered that the proposed development complies with sub-clause 4 and 9 of Clause 5.5.3 and sub-clause 14 of Clause 5.5.15.

4. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - a. The purpose and administration clauses of the requirement; and
 - b. The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been assessed against the Part 5 requirements and complies with all applicable clauses except Clauses 5.2.4.4 Layout of Car Parking Area, 5.2.5 Loading Bays, 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC, 5.5.15 Design in Commercial and Mixed Use Areas, 5.5.16 Active Street Frontages, 5.9.2.2 Volumetric Control and 5.9.2.13 Design of Car Parking Areas and Vehicle Access.

An assessment of the application's non-compliances with the requirement of the NTPS2020 are considered herein.

Clause 5.2.4.4 Layout of Car Parking Area

The purpose of the clause is to *'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'*.

Item 1

With reference to sub-clause 6(a), the proposed car parking area has a minimum setback of 308mm from any lot boundary and therefore does not comply with the requirement.

In addition, with reference to sub-clause 8(c), 2 small car parking spaces are proposed that do not comply with the dimensions set out in the diagrams to this clause.

Administratively, sub-clause 3 specifies that *'the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality'*. In addition, sub-clause 4 specifies that *'the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development'*.

The proposed variation to the car parking area setback and the provision of 2 small car spaces is appropriate for the following reasons:

- The proposed car parking area is located above ground level and a 3-metre landscaped setback has been provided along the lot boundary to assist with screening and filtering the proposed development when viewed from the streetscape and adjoining properties.
- The proposed car parking area will be constructed of aluminium vertical screening which provides texture and articulation minimising the visual bulk, when viewed from the streetscape and adjoining properties.
- In relation to the 2 small car parking spaces, the application confirms that *'these bays will be marked accordingly, and provide parking for small vehicles maximising the use of space whilst (noting the surplus of car parking) ensuring parking is available for all vehicle types'*. A general condition will be applied to require car parking directional signage be installed.

Clause 5.2.5 Loading Bays

The purpose of the clause is *'to provide for the loading and unloading of vehicles associated with the use of land'*.

Sub-clause 2 specifies that *'for the purposes of this clause, where an exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined net floor area of the integrated uses'*.

In accordance with the requirements of sub-clause 2 and 3, the proposed food premises – restaurant, office and place of assembly has a combined net floor area of 14714m² which requires 7.3 loading bays rounded up to 8 loading bays. It is noted that the community centre and car park use do not have any loading bay requirements. The proposed development provides 3 loading bays which does not comply with the requirements of sub-clause 3.

In addition, of the proposed loading bays, 2 are designed to comply with the requirements and one does not comply with the width requirements of sub-clause 4.

Administratively, sub-clause 1 specifies that *'the consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:*

Item 1

- a) *the scale of the use and development on the site;*
- b) *any potential adverse impacts on the local road network; and*
- c) *any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street'*

The proposed variation to the minimum number of loading bays to be provided is appropriate given the application is accompanied by a traffic impact assessment which concludes that *'the proposed uses for this site involve moderate-scale commercial and community use precinct, which generate less frequent and less intensive servicing needs than the planning scheme specifies... the scale of the development would result in efficiencies of scale and therefore a reduced requirement for the overall number of loading dock spaces...'* The traffic impact assessment recommends that a service vehicle management plan be implemented to facilitate the operation of the loading area.

In addition, the proposed variation to the width of the external loading bay is appropriate as traffic impact assessment advises that *'smaller vehicles (Vans/Utes etc) would be directed to use the parallel loading dock and use the turning area to undertake a three-point turn'*.

To ensure the on-going functionality of the loading bays, a general condition will be applied to require the development to implement the recommendations of the traffic impact assessment.

Clause 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC

The purpose of the clause is to *'ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site'*.

The proposed end of trip facilities comply with sub-clauses 3 – 6, however do not comply with sub-clause 2 specifically because only 51 bicycle parking facilities are provided where 52 are required.

Administratively, sub-clause 1 specifies that *'the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:*

- a) *there are alternative end of trip facilities (on or off the site), where:*
 - i. *the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;*
 - ii. *access to the alternative end of trip facilities is safe and convenient for users;*
 - iii. *the alternative end of trip facilities are sheltered and secure; and*
 - iii. *the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or*
- b) *it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or*
- c) *it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.'*

The proposed variation to the minimum number of bicycle parking spaces to be appropriate given the proposed development provides an additional 25 bicycle parking

Item 1

spaces in the form of bicycle hoops along the north-western and south-western sides of the building. The bicycle hoops integrate with the existing public open space and complement the function of the public library and civic centre.

Clause 5.5.15 Design in Commercial and Mixed Use Areas

The purpose of the clause is to *'encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre'*.

The proposed design complies with sub-clauses 12 – 16 and 18 – 23. To ensure compliance with subclause 13, it is recommended that a condition is applied which requires the commitments of the sustainability report be implemented and maintained.

An assessment against Community Safety and Design Guidelines (CSDG) has been undertaken as part of the technical assessment and the development includes appropriate surveillance, sightlines, building exterior, openings, lighting, way finding, movement predictors and entrapment locations. A condition is applied which requires a detailed lighting plan and wayfinding signage is incorporated into the design.

The proposed design does not comply with sub-clause 17 specifically because an awning is not provided to the Harry Chan Avenue street frontage.

Administratively, sub-clause 5 specifies that *'the consent authority may consent to a development that is not in accordance with sub-clause 17 if it is satisfied that:*

- a) the development provides a considered response to the established character of the streetscape; and*
- b) the development provides an alternative response for shading'.*

The proposed variation to the requirement to provide an awning is appropriate for the following reasons:

- The existing streetscape character of Harry Chan Avenue does not include the provision of awnings, noting that this is an area where most buildings are either fully or partially setback from the boundary abutting the road.
- The proposed development provides landscaping along the Harry Chan Avenue frontage to contribute to the amenity and character of the area and some shading of the existing footpath.
- The proposed upper levels overhang and landscaping along the southern western boundary also provides an alternative response to shading to the proposed pedestrian thoroughfare.

Clause 5.9.2.2 Volumetric Control

The purpose of the clause is to *'ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:*

- a) potential for view corridors to Darwin Harbour;*
- b) breeze circulation between buildings;*
- c) penetration of daylight into habitable rooms; and*
- d) reasonable privacy for residents'.*

Item 1

Sub-clause 5 and 6 requires that development be constructed with a podium up to 25m with 6m setbacks applying to windows to habitable rooms, balconies and verandahs only, and a tower above with a maximum floor area of 1,200m² per tower, setback 6m from each boundary with building lengths of not more than 75% of the total length of each adjacent boundary.

Administratively, sub-clause 3 specifies that *'the consent authority may consent to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development:*

- a) is appropriate to the location considering the scale of the development and surrounding built form; and*
- b) will not unreasonably restrict the future development of adjoining sites'.*

The proposed variation to the requirement to the tower footprint and minimum setbacks is appropriate for the following reasons:

- The building is appropriate its location with regard to the CB zoning and to the existing surrounding built form that is of a higher density, ranging from 2 - 11 storeys in height.
- The design addresses bulk and scale through its variable form, setbacks, landscaping and architectural treatments that provides articulation and will create an appropriate level of visual interest and expression of form that will enhance the urban setting.
- The site is setback from all boundaries and will not impact on the development potential of adjoining sites. Furthermore, it is considered that the proposed development will not cause an unacceptable level of amenity impact as:
 - The proposed new building is separated by existing roads to the closest dwellings, which allows a suitable transition to these more sensitive interfaces and will ensure that the use will not prejudice or preclude the ongoing use of nearby land in Zone CB for residential use.
 - The proposed use, particularly the library and civic centre, will directly service local community needs.
 - There are extensive opportunities for meaningful landscaping around the perimeter of the site which will make an improved contribution to the streetscape.
 - Sufficient on-site car parking, safe access and appropriately designed accessways are provided.
 - The proposal incorporates sufficient waste storage and collection facilities onsite.

Clause 5.9.2.13 Design of Car Parking Areas and Vehicle Access

The purpose of the clause is to *'promote design of car parking, vehicle access points and on-site movement that:*

- a) is easily adapted to meet changing demand;*
- b) minimises visual impact to the street and other public areas; and*
- c) minimises impacts to pedestrian and cyclist movement'.*

The assessment confirms that the proposed development does not comply with sub-clause 5, as 2 separate crossovers are provided, one for passenger vehicles and one for loading vehicles.

Item 1

Administratively, the *'consent authority may consent to a development that is not in accordance with sub-clauses 3-6 if it is satisfied the use or development is appropriate to the site having regard the potential impact on the surrounding road network and the amenity of the locality'*.

The proposed variation to the requirement for consolidated vehicle access is appropriate for the following reasons:

- The applicant argues that *'separate service / loading and car park access is provided to avoid conflict between service vehicles and cars, and the service access and loading areas, including waste collection, are consolidated in a single location in the north-eastern part of the building'*. This response is noted and generally accepted, given the proposed size of the car parking area and the proposed car park land use, it is practical to separate these functions of the building.
- In regard to the amenity impacts, the traffic impact assessment submitted with the application advises that the traffic impacts are considered *'appropriate to the city centre area'* and *'within the character of the surrounding road network'*.

Moreover, specific matters requiring assessment are outlined below:

Clause 5.9.2.8 Development in Gateway Locations

The purpose of the clause is to *'ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre'*.

The proposed development complies with the requirements of the clause through inclusion of an increased building height of at least one storey compared to adjacent buildings and signage incorporated into the building design.

5.9.2.11 Car parking spaces in Darwin City Centre

In relation to car parking, it is considered that there is a clear distinction between the car parking component of the development required by Clause 5.9.2.11 and the "Car Park" use sought to be approved in this application. Schedule 2 of the NTPS 2020 definition of the "Car Park" use limits it to *'the parking of motor vehicles otherwise than as an ancillary use of land'*. To the extent that car parking is required to be provided for the development by Clause 5.9.2.11, it cannot be considered to form part of the separate "Car Park" use.

The purpose of the clause is to ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

Subclause 5 specifies that use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

The proposed land uses of office, community centre, place of assembly and food premises-café/restaurant have a statutory rate of 2 for every 100m² of net floor area and generates a requirement for 309.38 car parking spaces (rounded up 310 car parking spaces).

The proposed land use of "Car Park" requires the minimum number of car parking spaces to be determined by the consent authority.

Item 1

In relation to car parking spaces, the assessment notes that the proposed development provides 460 car parking spaces (including 10 DDA spaces and 2 small car spaces) and applicant has advised that *'the distribution, ownership and allocation of car parking spaces for the individual use elements will ensure that compliance with the car parking requirements under Clause 5.9.2.11 / Clause 5.9.2.12 are achieved'*.

In order to differentiate between the spaces provided as ancillary to the development, a condition precedent and general condition would be required to specify the number of car parking spaces to be provided for the "Car Park" component of the development.

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

The assessment has found that, pursuant to Clause 5.9.2.11 Car parking spaces in Darwin City Centre, there is a surplus of 150 car parking spaces.

The purpose of Clause 5.9.2.12 is to provide for a use or development with fewer car parking spaces than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

The applicant has sought consent to apply the reductions available pursuant to sub-clause 1 and sub-clause 2. However, the Authority during the hearing of the original application notes that the reduction of car parking requirements under Clause 5.9.2.12 is at its discretion.

The Authority in the hearing of the original application acknowledged the various calculations made by DAS and the applicant in relation to the percentage reductions under the clause. The Authority while supports a reduction in the car parking requirements it is not satisfied with the amount of reduction sought. In this case, having had regard to the primary requirement in Clause 5.9.2.11 to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site, the Authority considered that the amount of the reduction should be varied by an additional 51.5 spaces to the amount of 310 spaces assessed by DAS, so that the total parking car parking requirement for the development is 258 spaces.

In reaching its determination with respect to the car parking reduction, the Authority has taken into account the concerns of the public submitters and also notes in respect of the 5% reduction category 2(c) of the table to Clause 5.9.2.12 that there appears to be limited availability of parking at Nichols Place and the proposed development will effectively remove 97 existing spaces in the on-site car park which it will replace. The applicant is invited to provide evidence as to why Nichols Place should be considered as available public car parking. In addition, the applicant argued that category 2(b) rather than 2(c) can be applied, as the proposed development includes the provision of public car parking within the development exceeding 100 spaces. The Authority does not support this interpretation given the table's specific reference to 'existing' car parks.

In accordance with sub-clause 1 of Clause 5.9.2.12, the Authority notes the development proposes 16 motorcycle spaces and in accordance with subclause 1(a) and considers to reduce the car parking space requirement by 5 car parking spaces. The applicant argued that in accordance with sub-clause 1(b) the inclusion of 24 bicycle spaces above the minimum requirement in Clause 5.3.7 results in a further reduction of 2.4 car parking spaces. The Authority does not support this interpretation, given the 24 additional

Item 1

bicycle spaces are provided in the publicly accessible open space which is not considered a safe location with adequate security or protected from the weather, for the purposes of bicycle parking facilities.

In accordance with category 1(a) of sub-clause 2 of Clause 5.9.2.12, the Authority considers an additional reduction of 15% can be applied, as the development site is located within a 200m walking distance of the Darwin Bus Interchange.

As a result, a reduction of 51 car parking spaces can be applied ($309.38 - 51.5 = 257.88$) and rounded up 258 car parking spaces are required. After applying the reduction there is a surplus of 202 car parking spaces.

The Authority considers the surplus 202 car parking spaces, that are not ancillary to the proposed office, community centre, place of assembly and food premises, are allocated to the proposed public car park.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application was exhibited between 6 December and 20 December, in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000*. Twenty public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* and two late submissions were received.

The main concerns raised by the submitters in their submissions and expressed at the meeting held on the 7 February 2025 are:

- The proposed development's location in the Civic Square is inappropriate and will alter the existing civic and community purpose.
- The design of the building is excessive in height and does not respond to the existing character of the area and Darwin's tropical identity.
- The design of the building does not provide activation of Harry Chan Avenue frontage.
- The design of the building will overshadow the adjoining properties and reduce access to natural light.
- Adverse amenity impacts.
- Concerns regarding removal of existing vegetation.
- Concerns regarding the impact of the building on cultural significant elements including the tree of knowledge, Christ Church Cathedral, WWII oil tunnels and Chinese settlement history.
- Traffic and car parking impacts.
- Concerns regarding the funding arrangements and any obligations of the City of Darwin car parking contribution.
- Insufficient public consultation and concerns around inadequate exhibition period, given the lodgement before Christmas.
- Concerns regarding the effects of climate change and if the proposed building is designed with this in mind.
- Concerns regarding compliance with the NCC cyclone code.
- Precedent.
- Non-compliance with legislative requirements of the *Planning Act 1999*.

Item 1

- Conflict of interest between the landowner (City of Darwin) and Darwin DCA members.

The Authority took all comments into account and carefully considered the concerns of the submitters and interested parties who lodged late submissions. The Authority also took into account the response provided by the applicant regarding submitters concerns expressed at the meeting held on 7 February 2025.

The matters raised in the submissions contributed to the Authority's decision to defer the application in order to obtain further information addressing, the relevant considerations identified by submitters, as well as, the concerns of the DCA in relation to the requirements of the NTPS 2020 and *the Planning Act 1999*.

One additional late submission has been received since the meeting held on 7 February 2025. In addition, the applicant's response to the points of deferral was circulated to all public submitters (including those who made late submissions). Additional comments have been received from 2 submitters (noting each person had previously made a submission to the original application) at the time of DAS writing its report.

Key issues raised predominately relate to the scale and design of built form, heritage and respect of Darwin's character and have been considered previously by the Authority.

6. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site is flat, not affected by Australian Noise Exposure Forecast (ANEF) 20-unit value or greater contour line and outside areas of identified storm surge. The overall height and scale of the proposed development is largely consistent with that anticipated in the Darwin CBD.

Subsequently, the development site is considered to have the capacity to support the proposed development.

7. Pursuant to section 51(1)(k) of the *Planning Act 1999*, the consent authority must take into consideration the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The proposed development includes 830m² of public open space, in the form of a pedestrian thoroughfare, that will integrate with the existing Civic Park and provide access to and integrate with the identified priority pedestrian/cycleway network.

In addition, the proposal includes 529m² of publicly accessible area in the proposed library. The site is also proximate to a full range of services and facilities in the broader Darwin CBD.

Item 1

8. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose;

The application was circulated to the relevant authorities and comments received from these authorities are addressed by recommended conditions and / or notations on the development permit.

It is noted that the City of Darwin as the Local Authority, acknowledged its role as both the landowner and the applicant for the proposed development. City of Darwin advised that if the application is approved, City of Darwin will ensure compliance with Council's standard policies and obligations under the *Planning Act 1999* and the *Local Government Act 2019*.

It is recommended that standard conditions in relation to traffic impact assessment, waste management, stormwater management and impacts on City of Darwin assets / road reserves (i.e crossovers, verge planting, dilapidation report) be applied to the permit. These conditions will ensure consideration of these matters, regardless of the owner of the land, as development permits run with the land itself not the owner of the land.

9. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The impact on amenity should be considered in context of the site and its surrounds, with the development being consistent with the broader intent of Zone CB (Central Business) and applicable clauses, including the overall height and scale of the building. The building is of a high architectural quality and presents positively to its interface with Civic Park through the provision of activated interfaces and the pedestrian thoroughfare.

The site is currently a car park associated with the existing Civic Centre and comprises 95 car parking spaces. As part of the application, the City of Darwin advises that '*demolition of the existing civic centre will commence shortly following our City of Darwin civic centre team disembarking from the existing civic centre to the new civic centre building*'. Therefore, during the construction period of the proposed mixed-use development (including the new Civic Centre) there will be no car parking spaces available on site for the existing Civic Centre.

There are no records of the existing Civic Centre approval, which therefore benefits from a deemed permit (a permit taken to be issued pursuant to section 45 of the planning act). As such, there is no information regarding historic car parking shortfalls or surpluses.

Furthermore, the application confirms that '*City of Darwin advises during construction of the new civic centre building current users of the civic centre car park will have access to the following car parks which are all in close vicinity to the existing Civic Centre*:'

- *West Lane Carpark*
- *Dragonfly Carpark*
- *State Square Carpark*
- *Kitchener Drive Multi-level Carpark (@ waterfront)*

Item 1

- *Open air carpark near the cruise ship terminal at the Waterfront*
- *Nichols Place*
- *McMinn Carpark*

Given the proximity of various public car parks and alternative modes of transport including bicycle paths and the bus interchange, the interim car parking arrangements are considered unlikely to have an adverse impact on the amenity of the area.

10. Pursuant to section 51(1)(r) of the *Planning Act 1999*, the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

The site is directly adjacent to the Tree of Knowledge (Galamarrma) and Christ Church Cathedral Heritage Precinct which are both declared heritage places under the *Heritage Act 2011*. In addition, the *Heritage WWII Oil Tunnels* are located beneath the site, the application confirms that *'the building layout avoids directly overlying the existing oil tunnels, and retains the opportunity for future connectivity to recognise the heritage values'*.

The proposed development is cognisant of its interface with these declared heritage places through its proposed setbacks, materiality, extent of landscaping and the maintenance of view corridors.

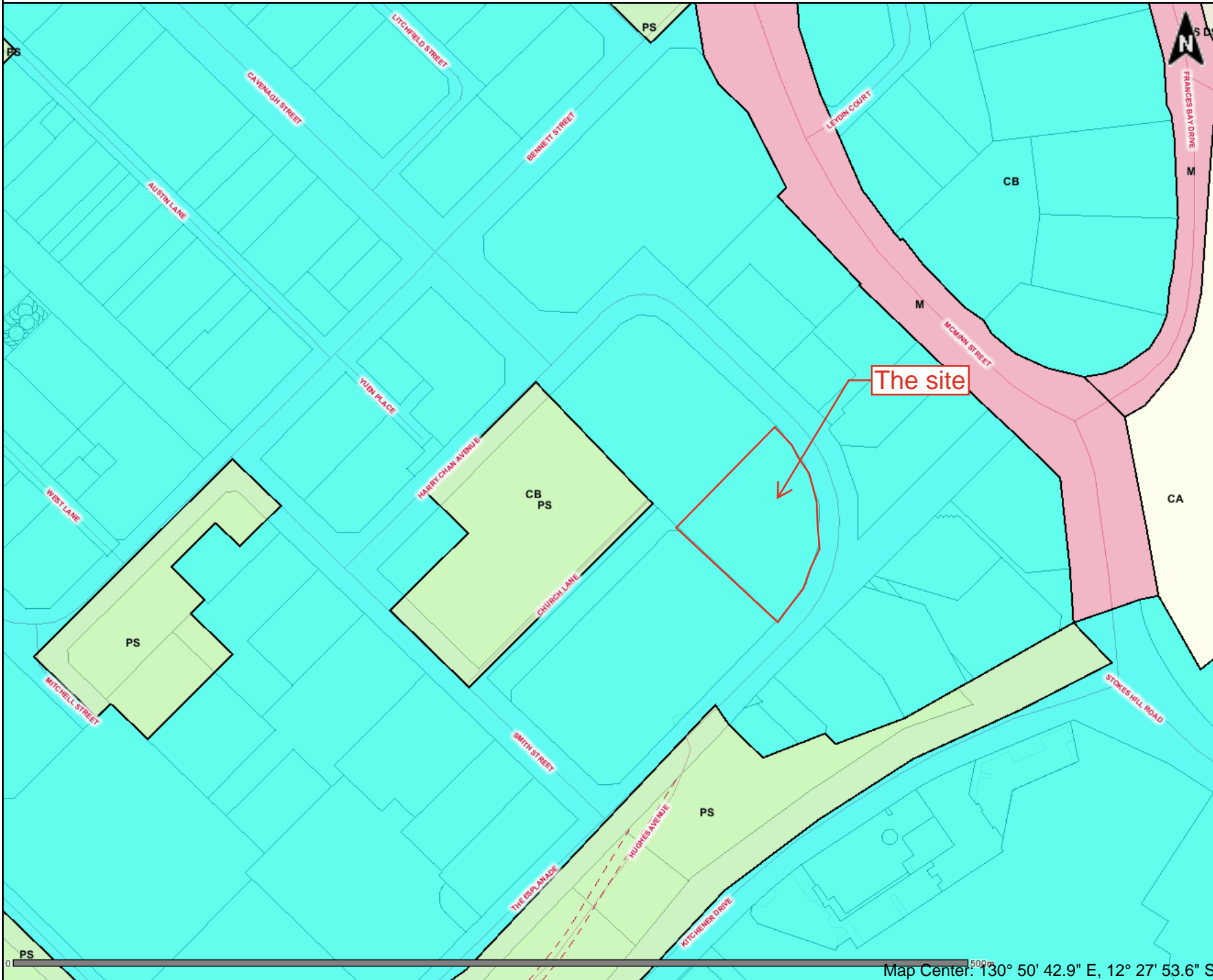
A condition precedent is recommended to be applied to the permit to require a *Heritage and Unexpected Archaeological Finds Management Plan* be prepared to identify high risk areas, establish an effective monitoring protocol, an induction for workers and an unexpected finds response strategy. Furthermore, a condition precedent and general condition are recommended to be applied to the permit to require heritage interpretation signage, particularly in relation to Chinese presence and history in Darwin, the link from Travellers Walk to the Tree of Knowledge and the WWII oil tunnels.

The adjoining heritage places have heritage significance to the community, as raised in public submissions.

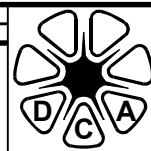
SIGNED:



.....
**SENIOR PLANNER
DEVELOPMENT ASSESSMENT SERVICES**



- General Lines**
- General Lines
- Town Planning Zones**
- A - Agriculture
 - CV - Caravan Park
 - CB - Central Business
 - C - Commercial
 - CL - Community Living
 - CP - Community Purpose
 - CN - Conservation
 - DV - Development
 - RR - Rural Residential
 - GI - General Industry
 - HT - Heritage
 - HR - High Density Residential
 - H - Horticulture
 - LI - Light Industry
 - M - Main Road
 - MR - Medium Density Residential
 - LMR - Low-Medium Density Residential
 - CA - No Planning Scheme Controls
 - OR - Organised Recreation
 - PM - Proposed Main Road
 - PS - Public Open Space
 - RW - Railway
 - RD - Restricted Development
 - R - Rural
 - RL - Rural Living
 - SC - Service Commercial
 - LR - Low Density Residential
 - S - Specific Use
 - TC - Tourist Commercial
 - U - Utilities
 - WM - Water Management
 - FD - Future Development
 - RJ - Residential Jabiru
 - PSJ - Public Open Space Jabiru
 - ORJ - Organised Recreation Jabiru
 - CJ - Commercial Jabiru
 - SCJ - Service Commercial Jabiru
 - TCJ - Tourist Commercial Jabiru
 - CPJ - Community Purpose Jabiru
 - FDJ - Future Development Jabiru
 - IJ - Industrial Jabiru
 - MJ - Main Road Jabiru
 - UJ - Utilities Jabiru
- Created by NHVIH**
- Bottom Left: 130° 50' 32", -12° 28' 00"
 Top Right: 130° 50' 53", -12° 27' 47"
 Approximate Scale: 1:2,700
 Datum: GDA 1994
- Data for information purposes only
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- Highway
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Development Consent Authority

Northern Territory

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In reply please quote: PA2024/0392

Mr Brad Cunnington
Cunnington Rosse Town Planning and Consulting
PO Box 36004
WINNELLIE NT 0821

Via email: brad@crtpc.com.au

Dear Mr Cunnington

LOT 3981 (17) HARRY CHAN AVENUE, DARWIN CITY, TOWN OF DARWIN

You are hereby advised that the Darwin Division of the Development Consent Authority, at its meeting on Friday 7 February 2025 resolved, pursuant to section 46(4)(b) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of a mixed use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21 storey building including 4.5 levels of above ground level car parking to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application (please note also the reasons for decision further below):

- Amended drawings re-designing the ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.
- Expanded architectural design statement to address how the proposed development achieves compliance with specific requirements of Clause 5.5.3 General Building and Site Design and 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include:
 - 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include: Clause
 - 5.5.3 sub-clause 2 '*preserve vistas along streets to buildings and places of architectural, landscape or cultural significance*'.
 - Clause 5.5.3 sub-clause 3 '*be sympathetic to the character of buildings in the immediate vicinity*'.
 - Clause 5.5.3 sub-clause 4 '*minimise expanses of blank walls*'.
 - Clause 5.5.3 sub-clause 9 '*minimise use of reflective surfaces*'.
 - Clause 5.5.15 sub-clause 12 '*building design is to be sympathetic to the character of buildings in the immediate locality*'.
 - Clause 5.5.15 sub-clause 14 '*building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare*'.

REASONS FOR THE DECISION

1. The application seeks approval for a mixed-use development comprising offices, a community centre, a place of assembly, a food premises and a car park in a 21-storey building including 4.5 levels of above ground level car parking. The application was submitted by Mr Brad Cunnington of Cunnington Rosse Town Planning and Consulting on behalf of Shane Dignan Director of DCOH Land. The City of Darwin is the landowner and provided a signed owners authorisation which formed part of the application.

The Authority clarifies that the application is located on Lot 3981 Town of Darwin, which is defined as the site pursuant to Schedule 2 of the Northern Territory Planning Scheme 2020 (NTPS 2020). The site comprises the existing City of Darwin Civic Centre and associated car parking and Civic Park. The proposed development is located on a 4694.35m² portion on the north-eastern corner of the site and is referred to as the development site. The development site was re-zoned from Zone CP (Community Purpose) to Zone B1 (Central Business) on 12 June 1991.

The development site is irregular in shape with a northern and eastern curved frontage to Harry Chan Avenue and is currently developed as a car park associated with the existing City of Darwin Civic Centre comprising 95 car parking spaces and some landscaping.

The Authority emphasises that the site cannot be considered in isolation and must be considered in the context it's locality. For the purposes of its assessment, the Authority considers the locality of the site to encompass all land bordered by and internal to the north-western side of Bennett Street, the north-eastern side of Cavenagh Street and Harry Chan Avenue and the Esplanade to the south-west and south-east.

The land uses in the locality are primarily civic / community, commercial or residential in nature notably consisting of:

- On the north-eastern and south-eastern side of Harry Chan Avenue are various office, mixed-use and residential buildings ranging in height from 6 to 13 storeys.
- On the corner of Smith Street and the Esplanade is Christ Church Cathedral, a declared heritage place, and associated car parking and landscaped areas.
- On the southern side of Smith Street is the State Square Precinct which consists of the future State Square Art Gallery (currently under construction), the Supreme Court, Parliament House and Administrator's Office.
- On the north-western side of Bennett Street are various mixed use and office buildings ranging in height from one to 20 storeys.

As described above, the locality is categorised by a range of extant lower scale buildings and more robust taller contemporary buildings and comprises a mix of uses. The Authority notes that it encompasses areas of significant community, cultural and heritage values. More broadly, the development site and the locality form part of Darwin's Central Business District (CBD).

2. At the commencement of the meeting, the Authority dealt with the threshold issue of conflict of interest raised by a number of submitters. The Authority clarified that pursuant to Section 97 of the *Planning Act 1999* the community members of the Development Consent Authority (DCA), Peter Pangquee and Jimmy Bouhoris, have disclosed an interest and have had no part in any of the discussions or considerations to date in relation to this application and will have no input into the determination made. Community members for a Division of the DCA are nominated by the relevant local government council and are appointed by the Minister under Section 89 Of the *Planning Act 1999*. Although Section 98A provides for the independence of community members, the Authority considers that the members' position as Councillors, where the council is the relevant landowner, clearly amounts to a relationship that, as per Section 97(1)(b) that '*is of a nature that it is likely to, or may reasonably be regarded as likely to, inhibit or prevent the exercise by the member of independent judgment in respect of an application*'.

The Authority addressed concerns regarding perceived conflict of interest in relation to specialist DCA member, Mark Blackburn, who was employed by the City of Darwin approximately 8 years ago. For the purposes of Section 97, the Chair advised that, since his employment with the Council ceased, Mr Blackburn has had no further relationship with the City of Darwin, other than that which would normally be expected as a resident or ratepayer of the city, and that the DCA does not consider that any relationship which requires disclosure under either Section 97(1)(a) or (b) exists. Further, the Chair also considered the question of apprehended bias that arises generally in administrative/quasi-judicial decision making. The basic test for such bias is *'whether a fair-minded lay observer with knowledge of the material objective facts might reasonably apprehend that the judicial or administrative decision-maker might not bring an impartial and unprejudiced mind to the resolution of the question at hand'*. Given the length of time which has elapsed since Mr Blackburn's previous employment by the City of Darwin, the Chair does not consider Mr Blackburn has an interest that disqualifies him from taking part in the consideration and determination of this application.

Moreover, the Authority clarified that the role of the DCA is to make statutory planning decisions limited by the provisions of the *Planning Act 1999* and the Planning Scheme. Its ability to consider and determine this application is constrained by statute and is limited to the subject matter of that statutory framework. The Authority emphasised that Section 51(1) requires the consent authority, in considering a development application, to take into account any of the listed considerations that are relevant to the development.

The Authority referenced recent Supreme Court decision, *Kalhmera Pty Ltd v Planning for People Incorporated & Ors [2024] NTSC 48*, noting paragraph 25 expressed that *'there is no guidance in the Planning Act as to how the s 51(1) matters are to be taken into account, or the weight to be given to any particular factor. There is, no indication from the text of the legislation that any particular matter is more important than any other in the DCA's consideration. Further, the list is not exhaustive, as s 51(1)(t) requires the DCA to take into account "other matters it thinks fit". A decision regarding a development application under the Planning Act involves the balancing of many different factors...'*. Section 51 directs the Authority to limit its consideration to the factors that are relevant to this development application. It is not a relevant planning consideration that another proposal or site might provide a better planning outcome.

The Authority is specifically directed to determine the application before it only, and, to assess that application against the factors set out in Section 51. The Authority does not consider that matters such as the funding arrangements, need or commercial competition are relevant to this development application for the purposes of the *Planning Act 1999*. Further, while the Part 6 of *Planning Act 1999* deals with Developer Contributions, the Authority has no role in the approval, administration or regulation of the administration of any contribution plans made under that Part. Nor is it the role of the Authority to enforce legislation outside of the *Planning Act 1999*, such as the *Local Government Act 2019*.

3. Pursuant to Section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the Planning Scheme that applies to the land to which the application relates. The land is located in Zone CB (Central Business) under NTPS 2020 and the purpose is to promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

The Zone Outcomes specifically require that Community Centres and Places of Assembly support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone. While community centres and place of assembly uses reference the needs of the local or regional population, the Authority notes that need is not a general consideration in respect of the other uses in this application including the office and food premises. The uses proposed in the development application are identified as Merit Assessable under Zone CB (Central Business), however, the site is subject to a Part 3 Overlay as a Gateway location (Clause 3.13) which makes the application Impact Assessable.

Therefore, the following elements of NTPS 2020 need to be considered in determining the application

- the strategic framework (Part 2 of the Scheme – Darwin Regional Land Use Plan (DRLUP), Central Darwin Area Plan 2019),
- zone purpose and outcomes of Clause 4.10 (Zone CB),
- the purpose and requirements of Clause 3.13 (Gateway Locations),
- Clause 5.2.1 (General Height Control),
- Clause 5.2.4 (Vehicle Parking),
- Clause 5.2.5 (Loading Bays),
- Clause 5.2.6 (Landscaping),
- Clause 5.3.7 (End of Trip Facilities in Zones... CB...),
- Clause 5.5.1 (Interchangeable Use and Development),
- Clause 5.5.3 (Commercial and Other Development in Zones... CB...),
- Clause 5.5.4 Expansion of Existing Use or Development in Zones CB...),
- Clause 5.5.11 (Food Premises),
- Clause 5.5.15 (Design in Commercial and Mixed Use Areas),
- Clause 5.5.16 (Active Street Frontages),
- Clause 5.8.4 (...Place of Assembly....) and
- Clause 5.9.2 Darwin City Centre

In particular, the purpose of Clause 5.5.3 requires that relevant developments promote site-responsive designs which are attractive and pleasant and contribute to a safe environment. A number of specific requirements are imposed by the clause, including, preservation of vistas, minimisation of expanses of blank walls, provision of safe and convenient movement of vehicles and pedestrians to and from the site, provision of convenient pedestrian links and protection for pedestrians from sun and rain. Importantly, it also requires that the development be sympathetic to the character of buildings in the immediate vicinity. Similarly, the purpose of Clause 5.5.15 is to encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

A number of specific requirements are imposed by the clause and echo those of Clause 5.5.3, including, preservation of vistas and minimisation of expanses of blank walls facing the street and public open spaces and limiting external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare. Importantly, it also requires that the development be sympathetic to the character of buildings in the immediate locality. Given the significance of the site and the nature of the immediate locality as outlined previously, the Authority considers that it does not have sufficient information to determine the application and in that regard requires that the applicant provide a more extensive consideration of Clauses 5.5.3 and 5.5.15 of the NTPS 2020, including, how the proposal is sympathetic to the character of buildings in the immediate locality, how the expanses of blank walls are minimised and the reflective glare is minimised.

Further, the purpose of Clause 5.5.16 is to provide a site-responsive interface between commercial buildings and the public domain that: (a) is attractive, safe and functional for pedestrians; (b) encourages activity within the streetscape; and (c) encourages passive surveillance of the public domain. Subclause 4 requires that every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages, while subclause 6 specifies that buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage.

The Authority is not satisfied that the proposal provides a satisfactory interface with Harry Chan Avenue as required by the Clause. Nor is it satisfied that the proposal meets the requirements in subclause 2 to waive compliance with sub-clause 6: (a) an alternative solution effectively

meets the purpose of this clause; (b) the site design reflects the established character of the area; or (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4. In order to determine the application, the Authority requires further information by way of amended drawings reflecting a re-design of ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage. The requirements of NTPS 2020 are further discussed below.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application was exhibited between 6 December and 20 December, in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000*. Twenty public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* and two late submissions were received. In respect of the late submissions, the Authority can consider the matters raised in submissions lodged outside the time frame set by Section 49. As noted in the NTCAT decision in *Association of Islamic Da'Wah in Australia Inc v Development Consent Authority [2019] NTCAT 14*, section 51(t) of the *Planning Act 1999*, allows the consent authority, in considering a development application, to take into account 'other matters it thinks fit'. The Authority considers the matters raised in the late submissions to be substantial and those matters should be considered by the Authority in respect of the current application.

The Authority noted that various submissions raised concerns regarding a lack of public consultation in respect of the project. However, the *Planning Act 1999* prescribes no requirements for consultation in respect of development applications made under Section 46, apart from the requirements of Part 5 Division 2. The Authority considers that the relevant requirements of Section 47 and the *Planning Regulations 2000* for public notice have been fully complied with by the applicant. How applicants choose to consult with the community outside of the planning process is not stipulated under the *Planning Act 1999*.

The main concerns raised by the submitters in their submissions are:

- The proposed development's location in the Civic Square is inappropriate and will alter the existing civic and community purpose.
- The design of the building is excessive in height and does not respond to the existing character of the area and Darwin's tropical identity.
- The design of the building does not provide activation of Harry Chan Avenue frontage.
- The design of the building will overshadow the adjoining properties and reduce access to natural light.
- Adverse amenity impacts.
- Concerns regarding removal of existing vegetation.
- Concerns regarding the impact of the building on cultural significant elements including the tree of knowledge, Christ Church Cathedral, WWII oil tunnels and Chinese settlement history.
- Traffic and car parking impacts.
- Concerns regarding the funding arrangements and any obligations of the City of Darwin car parking contribution.
- Insufficient public consultation and concerns around inadequate exhibition period, given the lodgement before Christmas.
- Concerns regarding the effects of climate change and if the proposed building is designed with this in mind.
- Concerns regarding compliance with the NCC cyclone code.
- Precedent.
- Non-compliance with legislative requirements of the *Planning Act 1999*.
- Conflict of interest between the landowner (City of Darwin) and Darwin DCA members.

In addition to the written submissions, the Authority heard from submitters and those interested parties who lodged late submissions, present at the meeting.

At the meeting, Mr Andrew Liveris raised concerns that the scale and design of the proposed building is not appropriate to the site's location in the State Square / Civic Park precinct. Mr Liveris expressed his concerns with the car parking being located above ground rather than in a basement. Mr Liveris stressed that the DCA should take into account the ownership and financial arrangements for the project.

Ms Laurie Palfy expressed concerns to the Authority regarding the ownership of the proposed building. Ms Palfy stated that the proposal is supposedly a community building however it does not match the existing character of the area, provide amenity or align with the expectations of the community. Ms Palfy queried the location of loading bays and if free car parking will be provided for users of the library, to ensure its accessibility. Ms Palfy raised concerns that the application does not adequately address sustainability and that the architectural design statement does not reflect the locality of the site in Civic Park. Ms Palfy emphasised that Civic Park provides a peaceful place in the Darwin CBD that is of a special character and is surrounded by other civic and historic buildings. Ms Palfy further raised concerns with the legality of the application.

Mr Alan Garraway expressed to the Authority that the highest standard of conduct of governance is required for an application with such substantial public interest and raised concerns that Mr Mark Blackburn has a conflict of interest with the application. Mr Garraway highlighted that previous surrounding developments have limited their height to no more than that of Parliament House. Mr Garraway supported the submission made by the NT Institute of Architects that the proposal development is inappropriate and incompatible. Mr Garraway highlighted that the development site was previously located in Zone CP (Community Purpose) and was subsequently re-zoned to CB (Central Business) and that he raised concerns at the time of the re-zoning. Mr Garraway reflected on the City of Darwin's previous dealings with developers and raised concerns with the standard of developments constructed. Mr Garraway further advised that the DCA needs to deal with the subdivision of the land prior to dealing with the development application. Mr Garraway considered the implication of a 'Gateway' site and how the proposed development reflects and responds to the history of the site and the broader area. Mr Garraway submitted that the height of the building is the problem, and that the development represents the lowest standard of offices and sets a low bar for planning precedence.

Mr Peter Forrest told the Authority about the area surrounding the proposed development and explains that it is the most historic precinct in Darwin and presents many obligations and opportunities. Mr Forrest stated that good planning starts with thinking about the relationship of the building to its surrounds and highlights that the proposed building is boring, bland and totally uninteresting. Mr Forrest raised concerns that the proposed development does not take into account the history of the site and its surrounds.

Ms Heather Ferguson told the Authority that this area contains all of our oldest, historic buildings and it's a heritage place, a civic place, a place of pride and also a spiritual place. Ms Ferguson referred to the Culture and Heritage Theme of the Central Darwin Area Plan 2019 (CDAP 2019) which *seeks to protect and enhance site of cultural significance and historic value to enrich community awareness and experience* and expressed concern that the proposed 21 storey building does not acknowledge the character and value of this historic civic precinct. Ms Ferguson expressed concerns that the height of the building denigrates the civic importance of the building. Ms Ferguson further queried if the building will actually be used for commercial purposes and if commercial uses are actually viable. Ms Ferguson expressed concern regarding the removal of trees and would like to see protection for vegetation, however, acknowledged that this is a matter for Councils. Ms Ferguson told the Authority that the overshadowing of the Cathedral is not appropriate.

Ms Jan Thomas expressed to the Authority that the area is beautiful and needs to be protected. Ms Thomas highlighted that the Darwin CBD is depressed and there is a lack of retail choice and services that provide amenity akin to that of a capital city. Ms Thomas strongly objected to the 10 levels of commercial office space and expresses that this should not be managed by a private entity. Ms Thomas told the Authority that the proposed development is completely out of character with its location and does not suit the precinct nor in keeping with the tropical environment. Ms Thomas expressed concerns that the City of Darwin has not considered its own role and objectives and have not appropriately represented the community, and it's needs.

Ms Joanna Rees told the Authority that she is speaking on behalf of the NT Institute of Architects and would like to make further submissions. Ms Rees acknowledged the zoning of the development site in CB (Central Business) which supports mixed-use development, however, expressed that there is more about the place that is deserving of consideration in the design. Ms Rees expressed that the future Civic Plaza design should be included in the proposal, as many aspects of the proposed development refer and relies on the Civic Plaza including the provision of pedestrian, cycling and green links. Ms Rees raised concerns that the proposed design, including the form and materials, should be revised to be truly exemplary, as required by the CDAP 2019, and that the architectural design is just standard. Ms Rees expressed that the tower level and podium materials and forms should be revised to be harmonious between each other and the surrounding environment and have meaningful relationships with each other and the environment – at the moment it looks like a tower plonked on a podium. Ms Rees referred to Crime Prevention through Environmental Design (CPED) and emphasised that it is an important part of city-making at this time. With regards to CPED Ms Rees raised that passive surveillance opportunities at ground level should be provided (merely making safe pedestrian and cycle pathways through the development site is not enough) and that the proposed blank walls along Harry Chan Avenue provide opportunities for graffiti. Ms Rees further referred to the CDAP 2019 that identifies the site as a Gateway Precinct which requires exemplary architectural standard and stated that the proposal is of a reasonable architectural standard, but could be better through features, materiality and form making. The CDAP 2019 also provides the option for the proposal to juxtapose the existing heritage places, however, Ms Rees expressed that this is the weakest option available with reference to respecting and enhancing heritage.

Ms Margaret Clinch expressed concern to the Authority that the proposed building is actually a commercial building purporting to be a civic centre, noting that by its nature, size and proportions it is a commercial building. Ms Clinch emphasised that it is not suitable for its location in the public domain nor as a replacement building for the existing civic centre. Ms Clinch expressed concerns that the demolition of the existing civic centre is against recycling ideals. Ms Clinch raised concerns with the community consultation previously undertaken regarding the redevelopment of the existing civic centre. Ms Clinch highlighted that Social Infrastructure, Culture and Heritage map in the CDAP 2019 identifies the area and the proposed development is required to consider the objectives of each theme. Ms Clinch stated that the proposed development does not meet with the character or heritage of the area. Ms Clinch raised concerns that none of the facilities referred to in initial community consultation are proposed, there are no facilities that could be of value to the community and this building is a complete farce and a complete deception.

Mr Michael Anthony raised concerns to the Authority that the *Local Government Act* has been ignored in the application.

Dr Cameron Ford SC addressed various elements of the Development Assessment Services (DAS) report to demonstrate to the Authority that it is unsafe for the Authority to rely on the report when making its determination. Dr Ford expressed that the DAS report is superficial and ignores the height of the proposal and it uses obfuscating and circuitous language that doesn't give confidence that the matters have been taken into account fully. Dr Ford acknowledged that the DAS report addresses the planning requirements (as they must do) however, stressed that it does not look at the proposed development and the multiple of non-compliances holistically.

To highlight his concerns with the DAS report, Dr Ford refers the Authority to various sections of the DAS report. Dr Ford referred to page 24 sub-clause 7 of the DAS report in relation to land capability to question whether the report adequately considers if the height and scale of the development is consistent with the Civic precinct bounded by Bennett Street, Harry Chan Avenue and the Esplanade. Dr Ford expressed that the proposed development is quite out of character with the Civic precinct and wholly inconsistent and sets an undesirable precedent for the area. Moreover, Dr Ford referred to page 7 of the DAS report which assesses the themes of the CDAP 2019 and questions if the report adequately considers if the area actually needs the proposed development, consistent with the Social Infrastructure Theme. Dr Ford further critiqued the report for failing to adequately address the Culture and Heritage Theme and Movement and Transport Theme. Furthermore, Dr Ford referred to page 9 of the DAS report and questions how the proposed development contributes to the vibrancy of the precinct, as required under Zone CB. Dr Ford referred to page 11 and critiques the report for failing to adequately address the purpose of clause 5.5.15 which includes to '*...minimise conflicts between different land uses within surrounding the commercial centre*' and he posited that the proposed building maximises conflicts between the commercial and civic land uses. Dr Ford then referred to page 13 of the DAS report regarding Volumetric Control and critiques the assessment as being too general. Dr Ford summarised that both the application and the DAS report are too superficial to be relied upon. Dr Ford emphasised that buildings are for life but the reality is this building will outlive everyone in the room and further highlighted that once done it cannot be undone and urges the DCA to reject the proposal.

Ms Alicia Gregg expressed to the Authority that she strongly rejects the proposal.

Mr Tim Crammond raised concerns that the proposed development will draw commercial development out of the intended CBD.

The Authority asked the applicant to explain the future ownership arrangement of the proposed development. Mr Brad Cunnington advised that the City of Darwin will own 51% of the building and DCOH will own 49% of the building. Mr Cunnington confirmed that there will be 2 future subdivision applications, one to excise the development site from the existing lot and another to strata title the building. The Authority acknowledged that from a commercial perspective, the developer may not want to undertake the expense of a subdivision, without the prior approval of the development and that there was no requirement in the Act or Scheme which required that the proposed subdivision application take place first

The Authority provided an opportunity for the applicant to respond to matters raised by submitters at the meeting. Mr Cunnington highlighted to the Authority that cherry-picking specific elements of the contextual comments of the Social Infrastructure Theme is not how the CDAP 2019 was designed to be interpreted. The CDAP 2019 specifies that planning principles and contextual comments provide guidance to the interpretation of the objectives and acceptable responses. Mr Cunnington acknowledged that the site is identified for community and civic purpose on the CDAP 2019 and also acknowledged the objectives and acceptable responses included under the Social Infrastructure Theme. Mr Cunnington emphasised that the acceptable responses are not exclusionary and that the CDAP 2019 does not alter the underlying Zone CB (Central Business) and does not prevent the consideration of other uses that can be considered in Zone CB (Central Business).

Mr Cunnington clarified that a needs assessment is undertaken to inform the development of the CDAP 2019, however, need itself is not a planning consideration. The Authority agreed that need is not a planning consideration.

Mr Cunnington advised that the development should be considered holistically, however, also referred to Clause 1.10(4) of Part 1 of the NTPS 2020 which provides guidance in the interpretation of Impact Assessable development. Mr Cunnington expressed to the Authority that the consideration of locality should not be measured by hard borders but rather be defined by measure of influence of a development proposal.

Mr Cunnington highlighted that the application clearly states the City of Darwin's intention for Civic Plaza, whilst, acknowledging that at this stage there are no formal plans. Mr Cunnington further emphasised that this proposal facilitates the re-development of an existing car park for a mixed use development including a library and civic centre and allows for significantly improved outcomes, compared to what is existing, for the Civic and State Square precinct.

In relation to Gateway Location, Mr Cunnington acknowledged that the map in the CDAP 2019 refers to 'exemplary architectural standard' however emphasised that this then must lead into a consideration of the objectives and acceptable responses under the relevant themes and also consideration of the Gateway Overlay requirements.

In relation to heritage matters, Mr Cunnington advised that there have been discussions with the Heritage Branch of the NT Government and that what is shown in the application documentation does not reflect the full extent of heritage details. Mr Cunnington also confirmed that there have been discussions with members of the Chung Wah Society in relation to how the condition precedents will evolve into the next stage of design. Mr Cunnington explained that there are landscaping outcomes and more human scale design that respond to the sites importance and emphasised that it is not the developer's intention to override the importance and the community value of the space.

Mr Cunnington acknowledged that the building proposed is big and further emphasised that the proposal is consistent with the NTPS 2020, the strategic framework including the CDAP 2019 and provided an appropriate outcome.

The Authority has taken all comments into account and carefully considered the concerns of the submitters and interested parties who lodged late submissions. The Authority has also taken into account the response provided by the applicant regarding submitters concerns expressed at the meeting.

The matters raised in the submissions have contributed to the Authority's decision to defer the application in order to obtain further information addressing, the relevant considerations identified by submitters, as well as, the concerns of the DCA in relation to the requirements of the NTPS 2020 and *the Planning Act 1999*.

The Authority notes that matters relating to funding arrangements, DCA members conflict of interest and adherence with the *Local Government Act 2019* are not relevant and are discussed at reason one above.

In relation to submitters' concerns that approval of this application would set a problematic precedent, the Authority notes that future development permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

In relation to concerns regarding sustainability and climate change, the Authority notes that there are no specific requirements in relation to addressing climate change as part of the *Planning Act 1999* or the NTPS 2020. The Authority notes that Environmentally Sustainable Development (ESD) measures are proposed to be incorporated into the building design. Noting if a permit were to issue, the Authority will apply a condition precedent to require the landscape plan be updated to reflect the water sensitive urban design measures and a general condition to require the on-going maintenance of the ESD measures.

In relation to the legality of the application, the Authority considers that the application was properly made in accordance with the requirements of Section 46(3) of the *Planning Act 1999*.

In relation to future ownership of the proposed building, the Authority further reiterates that this is not a planning consideration under the *Planning Act 1999*, except in relation to Section 46(3) as discussed above.

In relation to overshadowing impacts, the Authority highlights that overshadowing is not a relevant consideration in assessing an application under the provisions of the *Planning Act 1999* or the NTPS 2020.

In relation to vegetation removal, the Authority notes that all existing vegetation on the development site, except for one tree, are proposed to be removed. The Authority highlights that the site is in Zone CB and there are no specific vegetation protection requirements applicable to the development site.

5. In relation to Part 5 of the NTPS 2020, the Authority notes the assessment of DAS which found that the proposed development complies with the relevant requirements except for Clauses 5.2.4.4 Layout of Car Parking Area, 5.2.5 Loading Bays, 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC, 5.5.15 Design in Commercial and Mixed Use Areas, 5.5.16 Active Street Frontages, 5.9.2.2 Volumetric Control and 5.9.2.13 Design of Car Parking Areas and Vehicle Access.

However, the Authority does not consider that the application contains sufficient information to allow it to properly consider compliance with Clause 5.5.3 General Building and Site Design and Clause 5.5.15 Design in Commercial and Mixed Use Areas.

The Authority notes the purpose of Clause 5.5.3 is to *'promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment'* and the purpose of Clause 5.5.15 is to *'encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre'*.

At the meeting, the Authority highlighted that there are a number of specific requirements imposed by the clauses, including, minimising blank walls and excessive glare, the preservation of vistas along streets to buildings and place of architectural, landscape or cultural significance and importantly, that the development be sympathetic to the character of buildings in the immediate vicinity / locality. The Authority notes that various submitters raised concerns in relation to the design, bulk and height of the building and regarding the proposal's respect for the existing character of the area.

The Authority questioned Mr Cunnington regarding the extent of blank walls along Harry Chan Avenue. Mr Cunnington highlighted that the podium level carparking has been designed to overhang the ground level, to draw the gaze upwards and minimise visual bulk. In addition, Mr Cunnington explained that the visual impact of the blank walls is minimised by the use of varied setbacks and landscaping.

Furthermore, in relation to being sympathetic to the character of existing buildings, Mr Cunnington highlighted there are various clauses in the NTPS 2020 that deal with building size and response and also specifically with building layout, setbacks and height and these need to be considered holistically. These clauses include 5.2.1 General Height Control, 5.9.2.1 Building Design in Darwin City Centre, 5.9.2.2 Volumetric Control, 5.5.3 General Building and Site Design and Clause 5.5.15 Design in Commercial and Mixed Use Areas.

Principally, Mr Cunnington noted that there is no maximum building height specified for development in Zone CB. In addition, Mr Cunnington expressed that these clauses do not limit or constrain the size of buildings to replicate what is currently existing.

Mr Cunnington explained the key design elements employed to limit visual bulk included pushing the building to the south-western most corner, the double height activation, mid tower plant enclosure, ground level setbacks and colour and materiality palette to be reflective of the surrounding environment.

In relation to the appropriateness of the proposed developments' height, scale and design, the Authority notes that it heard the applicants and submitters responses at the meeting and also has reviewed DAS's report. In this context, the Authority considers that it does not have sufficient information to determine the application and requires the applicant to provide an expanded architectural design statement to address how the proposal achieves compliance with specific requirements of Clause 5.5.3 General Building and Site Design and Clause 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include:

- Clause 5.5.3 sub-clause 2 *'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'*.
- Clause 5.5.3 sub-clause 3 *'be sympathetic to the character of buildings in the immediate vicinity'*.
- Clause 5.5.3 sub-clause 4 *'minimise expanses of blank walls'*.
- Clause 5.5.3 sub-clause 9 *'minimise use of reflective surfaces'*.
- Clause 5.5.15 sub-clause 12 *'building design is to be sympathetic to the character of buildings in the immediate locality'*.
- Clause 5.5.15 sub-clause 14 *'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare'*.

In relation to Clause 5.5.16 Active Street Frontage, the Authority notes that the development site is not identified in the CDAP 2019 as located along a priority activated frontage and therefore Clause 5.9.2.5 Development along Priority Activated Frontages does not apply.

The Authority notes the purpose of Clause 5.5.16 is to *provide a site-responsive interface between commercial buildings and the public domain that:*

- a) is attractive, safe and functional for pedestrians;*
- b) encourages activity within the streetscape; and*
- c) encourages passive surveillance of the public domain.*

Specific requirements of the clause include limiting services on street level frontages and buildings to provide active street frontage to a minimum of 60% of the length of the site boundary that fronts the primary street. The Authority notes that the proposed development does not comply with the above-mentioned requirements.

At the meeting, the Authority questioned the applicant regarding the lack of activation along the Harry Chan Avenue frontage. The applicant explained that the application is seeking a re-orientation of the activation requirements, rather than a technical reduction and that the non-compliance is due to the activation being provided to the south-west and south-east sides of the building. The applicant explained that the design is oriented to the future Civic Plaza.

The applicant acknowledged that without question the proposed development presents an inactive frontage to Harry Chan Avenue. The applicant argued that despite this, the design provides a significant building setback, landscaping, public seating, heritage and directional signage to maximise the amenity along the Harry Chan Avenue to respond to the purpose of the clause. The applicant highlighted that the character of Harry Chan Avenue is quite an inactive frontage at the moment, albeit there are elements of activation.

The Authority questioned why the required building services have not been provided in a basement. The applicant emphasised that there are always some building services that are required to be provided at ground level (even if a basement was proposed) and further explained that the main reasons for not including a basement are the construction cost and the existing heritage oil tunnels that run beneath the development site.

At the meeting, the Authority was also addressed by various submitters in relation to the proposed development's lack of activation along Harry Chan Avenue.

Administratively, sub-clause 2 specifies that *the consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 if:*

- a) an alternative solution effectively meets the purpose of this clause;*
- b) the site design reflects the established character of the area; or*
- c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.*

With reference to (a), the Authority acknowledges that the proposed design provides an alternative solution through activation to the future Civic Plaza and proposed pedestrian thoroughfare. However, the Authority questions how this alternative solution meets the purpose of the clause particularly in relation to encouraging activity in the streetscape and providing passive surveillance of the public realm.

With reference to (c), the Authority has not been provided advice regarding servicing location requirements from Power and Water Corporation. Without this advice, the Authority can not determine if the services on the street level frontage have been minimised and located to that which are necessary.

The Authority notes that with reference to the constraints of the development site location, it is unlikely that strict adherence with the requirements of this clause is possible. However, there is scope for better compliance with the clause to be achieved.

In this context the Authority considers that it does not have sufficient information to determine the application and requires the applicant to re-design of ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.

6. Noting that the application is being deferred, the Authority nevertheless has considered Clauses 5.9.2.11 and 5.9.2.12 of the NTPS 2020 in relation to the car parking requirements, in order to clarify the proposed "Car Park" use.

The Authority considers that there is a clear distinction between the car parking component of the development required by Clause 5.9.2.11 and the "Car Park" use sought to be approved in this application. The Schedule 2 of the NTPS 2020 definition of the "Car Park" use limits it to *'the parking of motor vehicles otherwise than as an ancillary use of land'*. To the extent that car parking is required to be provided for the development by Clause 5.9.2.11, it cannot be considered to form part of the separate "Car Park" use.

5.9.2.11 Car parking spaces in Darwin City Centre

The purpose of the clause is to *ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a site.*

Subclause 5 specifies that use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

The proposed land uses of office, community centre, place of assembly and food premises-café/restaurant have a statutory rate of 2 for every 100m² of net floor area and generates a requirement for 309.38 car parking spaces (rounded up 310 car parking spaces).

The proposed land use of “Car Park” requires the minimum number of car parking spaces to be determined by the consent authority.

In relation to car parking spaces, the Authority notes that the proposed development provides 460 car parking spaces (including 10 DDA spaces and 2 small car spaces) and applicant has advised that *‘the distribution, ownership and allocation of car parking spaces for the individual use elements will ensure that compliance with the car parking requirements under Clause 5.9.2.11 / 5.9.2.12 are achieved’*.

In the event that a permit is issued, in order to differentiate between the spaces provided as ancillary to the development, a condition precedent and general condition would be required to specify the number of car parking spaces to be provided for the “Car Park” component of the development.

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

The Authority notes that pursuant to Clause 5.9.2.11 Car parking spaces in Darwin City Centre, there is a surplus of 150 car parking spaces.

The purpose of Clause 5.9.2.12 is to *provide for a use or development with fewer car parking spaces than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre)*.

The Authority notes that the applicant has sought consent to apply the reductions available pursuant to sub-clause 1 and sub-clause 2. The Authority further notes that the reduction of car parking requirements under Clause 5.9.2.12 is at its discretion.

The Authority acknowledges the various calculations made by DAS and the applicant in relation to the percentage reductions under the clause and while it supports a reduction in the car parking requirements it is not satisfied with the amount of reduction sought. In this case, having had regard to the primary requirement in Clause 5.9.2.11 to ensure that sufficient off- street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site, the Authority considers that the amount of the reduction should be varied by an additional 51.5 spaces to the amount of 310 spaces assessed by DAS, so that the total parking car parking requirement for the development is 258 spaces.

In reaching its determination with respect to the car parking reduction, the Authority has taken into account the concerns of the public submitters and also notes in respect of the 5% reduction category 2(c) of the table to Clause 5.9.2.12 that there appears to be limited availability of parking at Nichols Place and the proposed development will effectively remove 97 existing spaces in the on-site car park which it will replace. The applicant is invited to provide evidence as to why Nichols Place should be considered as available public car parking. In addition, the applicant argued that category 2(b) rather than 2(c) can be applied, as the proposed development includes the provision of public car parking within the development exceeding 100 spaces. The Authority does not support this interpretation given the table’s specific reference to ‘existing’ car parks.

In accordance with sub-clause 1 of Clause 5.9.2.12, the Authority notes the development proposes 16 motorcycle spaces and in accordance with sub-clause 1(a) and considers to reduce the car parking space requirement by 5 car parking spaces. The applicant argued that in accordance with sub-clause 1(b) the inclusion of 24 bicycle spaces above the minimum requirement in Clause 5.3.7 results in a further reduction of 2.4 car parking spaces. The Authority does not support this interpretation, given the 24 additional bicycle spaces are provided in the publicly accessible open space which is not considered a safe location with adequate security or protected from the weather, for the purposes of bicycle parking facilities.

In accordance with category 1(a) of sub-clause 2 of Clause 5.9.2.12, the Authority considers an additional reduction of 15% can be applied, as the development site is located within a 200m walking distance of the Darwin Bus Interchange.

As a result, a reduction of 51 car parking spaces can be applied ($309.38 - 51.5 = 257.88$) and rounded up 258 car parking spaces are required. After applying the reduction there is a surplus of 202 car parking spaces.

The Authority considers the surplus 202 car parking spaces, that are not ancillary to the proposed office, community centre, place of assembly and food premises, are allocated to the proposed public car park.

Pursuant to section 46(6) of the *Planning Act 1999*, information required in this correspondence is to be provided within 30 days of the receipt of this correspondence.

You may request the consent authority extend the time to provide the required information. A request must be made before the expiry of the period referred to in section 46(6) (i.e. within 30 days of receipt of this notice) and it must be made in writing to either address listed below:

Email: das.ntg@nt.gov.au
In person: First Floor, Energy House, 18-20 Cavenagh Street, Darwin
Post: Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680, Darwin NT 0801

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully



Digitally signed
by Amit Magotra
Date: 2025.02.21
13:57:11 +09'30'

AMIT MAGOTRA
Delegate
Development Consent Authority.
21 February 2025

cc City of Darwin
Submitters

3 March 2025

Development Consent Authority
GPO Box 1680
Darwin NT 0801

Attention: The Chair

Dear Chair

**Re: PA2024/0392 Response to Deferral
Lot 3981 Town of Darwin (17 Harry Chan Avenue, Darwin City)**

Cunnington Rosse Town Planning and Consulting, the applicant in the above matter, have been engaged by DCOH to respond to the decision of the Development Consent Authority (DCA) at the 7 February 2025 hearing to defer consideration of the above application. PA2024/0392 is an application seeking a development permit for the purpose of a mixed use development comprising offices, community centre, place of assembly, food premises and car park in a 21 storey building including 4.5 levels of above ground car parking.

The DCA's decision was outlined in correspondence provided to the applicant on 21 February 2025, and requires the applicant provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. *Amended drawings re-designing the ground floor of building along Harry Chan Avenue to achieve better compliance with Clause 5.5.16 Active Street Frontage.*
2. *Expanded architectural design statement to address how the proposed development achieves compliance with specific requirements of Clause 5.5.3 General Building and Site Design and 5.5.15 Design in Commercial and Mixed Use Areas. Sub-clause requirements of relevance include:*
 - *Clause 5.5.3 sub-clause 2 'preserve vistas along streets to buildings and places of architectural, landscape or cultural significance'.*
 - *Clause 5.5.3 sub-clause 3 'be sympathetic to the character of buildings in the immediate vicinity'.*
 - *Clause 5.5.3 sub-clause 4 'minimise expanses of blank walls'.*
 - *Clause 5.5.3 sub-clause 9 'minimise use of reflective surfaces'.*

- *Clause 5.5.15 sub-clause 12 'building design is to be sympathetic to the character of buildings in the immediate locality'.*
- *Clause 5.5.15 sub-clause 14 'building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare'.*

1.0 Deferral Point 1 – Redesign to Improve Compliance with Clause 5.5.16

1.1 Amended Plans and Further Information

Upon consideration of the deferral points and the accompanying reasons for decision, the proponent has undertaken the following:

- Amended the ground level building design (**Attachment A**) as it fronts the Harry Chan Avenue and The Esplanade frontage to:
 - Increased the extent of active frontage by extending the full-height glass façade of the ground level commercial tenancy around the eastern edge, providing activation to The Esplanade frontage;
 - Provision of full-height vertical landscaping along the street frontage in response to **Clause 5.5.16 Active Street Frontage**, together with the inclusion of additional screen landscaping and street furniture within the street boundary setback areas to Harry Chan Avenue and The Esplanade;
 - Amend the building layout to consolidate the fire control and pump rooms, increasing the setback to the street boundary (approximately adjacent the inner road apex), providing additional space for street level landscaping and furniture / interpretive signage;
 - Reduce the visual impact of services and infrastructure presenting to the street frontages by:
 - relocating the generator diesel tank beneath the service vehicle driveway (below ground level);
 - Amended the ground level building footprint to increase the building edge setback from the street boundaries to the fire control room and access pumps;
 - Relocating the hydraulic plant room to the podium level, and relocating the water assembly within the main building (noting that 2 hydrant booster assemblies are now required which must comply with the maximum separation to the fire truck access, and the minimum separation widths);
 - Consolidating access doors, including the switch room door opening onto the service driveway and located at the far end away from the street boundary; consolidating the sprinkler control valves, fire pump and control room access;

- Providing an additional planting area in lieu of the relocated generator diesel tank, and providing an additional planting area by reducing the width of the pavement connection between the pedestrian plaza and the service vehicle driveway;
- Amended the landscaping design (**Attachment B**) at ground level adjacent the Harry Chan Avenue and The Esplanade frontage to:
 - Install full height vertical landscaping to ground level blank walls;
 - Provide landscape screening (where allowable due to servicing and access requirements) to service infrastructure doors and cabinets;
 - Provide additional street infrastructure and interpretive signage, increasing street level amenity and opportunity for congregation and activation; and
 - Provide shade trees to public seating areas and along the street frontage.

In addition to the amended design details, this response also includes:

- Amended Architectural Design Statement from CA Architects (**Attachment C**)
- Advice from ADG Engineers Project Director (Facades) regarding the façade design and material selection in response to concerns regarding reflectivity (**Attachment D**);
- Advice from the project traffic engineers, Urbis, regarding the provision of two vehicle access points (**Attachment E**);
- Advice from the project service engineers, WSP, regarding the provision of services and access to the street frontage (**Attachment F**).

Noting the requirement in subclause 4 of **Clause 5.5.16** for written acknowledgement from service authorities to confirm all reasonable measures have been taken to minimise the impact of servicing requirements on active street frontages, the WSP advice has been referred to the Power and Water Corporation and the Northern Territory Fire and Rescue Service. Further response will be provided to the consent authority when received.

1.2 Consideration of Clause 5.5.16

The Requirements of **Clause 5.5.16** as they apply to the amended design are considered below.

5. *Services on street level frontages are to be limited to:*

- a) *a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*

The amended design retains two separate vehicle access / egress points – a service vehicle access / egress driveway to Harry Chan Avenue over the north-eastern boundary, generally aligning with the existing car park entry driveway; and a light vehicle (car) access / egress driveway to The Esplanade frontage (over the eastern boundary). Per the

traffic advice in **Attachment E**, the provision of two access points separating service and light vehicles is considered a safer and more efficient outcome for the site and surrounding road network due to:

- combining service and light vehicle movements in a single access driveway (per the Planning Scheme) would require an internal intersection where the two vehicle paths meet, creating conflict areas between users;
- Access for light vehicles requires a median splitter (per access design standards) to separate entry and exit paths due to the capacity of the car park. If servicing vehicle movements were to be incorporated into the design, the overall access width would be significantly wider to accommodate independent entry and exit service vehicle movements. This would result in extremely wide pedestrian crossing distances across the access, which is not a safe outcome. Additionally, the site frontage would be dominated by the site access which is not a desirable street amenity outcome; and
- Separating service vehicle movements allows for more efficient loading / unloading times as trucks will not need to wait for or negotiate manoeuvring with light vehicles.
 - b) a direct single point of **access** to service equipment for all service authorities;*
 - c) required fire egress; and*
 - d) required fire booster connection points.*

The design amendments in **Attachment A** revise the ground floor layout as it presents to the street frontages to:

- Remove the hydraulic plant room and relocate to the podium level, placing the switch room adjacent the substation enclosure, allowing the required access door to open out onto the service vehicle area set back from the street frontage;
- Integrate the fire control and pump rooms, with access inset, and collocate together with the sprinkler control valves;
- Relocate the generator fuel tank underground beneath the service vehicle driveway; and
- Adjust the ground floor building line to inset and articulate the building edge adjacent the street frontage, increasing space available for landscaping and screening, street furniture and interpretive signage. The revised building line allows an increase in articulation and for the service doors to recess beneath level 1 underneath the shadow of the building.

The revised ground level layout retains the ability for the wide substation, together with the switch room access door, to be located behind the service vehicle driveway, keeping it setback from the street frontage whilst retaining the access requirements per PWC's standard drawings (PWC reference drawing in **Attachment F** states "*access road for heavy vehicles is required from the street to the front of the substation chamber. Access to the substation chamber shall not be via a secure part of the consumers property*").

As noted in the WSP advice in **Attachment F**, the requirement for ground level services and access thereto is outlined as follows:

- **Fire control Room** – required to be in close proximity and visible to the hydrant/sprinkler booster and sprinkler control valves;
- **Egress Corridor** – Required fire escape;
- **Sprinkler Valve Cupboards** – required to be in a secure room or enclosure which has direct access to a road or open space, and required to be in a separate room to the pump room for acoustic separation. Relocation has been investigated but rejected by NTFRS (refer **Attachment F**);
- **Booster Cabinets** – Two large bore suction connections required if total fire flow rate is more than 40 l/s, otherwise one required if less or equal than 40 l/s. Connection is to be within 4.5m to a hardstand to enable connection to the fire appliance (truck);
- **Substation** – Required (refer above reference to PWC reference drawing in **Attachment F**) however design location enables substation and access to be setback from the street frontage; and
- **Main Switch Room** – Requires external double door for equipment loading and for emergency egress. NCC requires second emergency exit, with proposed switch room exiting to internal egress corridor, mitigating the need for a secondary egress to the street frontage.

The advice in **Attachment F** confirms that services on street level frontages have been sited in accordance with subclause 5.

6. *Buildings are to provide a minimum of 60% of the length of each **site** boundary that fronts a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*
- a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
 - b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*
 - c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/**public open space**; or*
 - d) well-designed spaces that allow for pedestrian movement and/or seating.*

The amended ground level design provides the following active frontage elements in accordance with part d) of subclause 6:

- Northern pedestrian access plaza from Harry Chan Avenue and adjacent landscaping with a width at the boundary of 10 metres;
- Eastern pedestrian access plaza, adjacent landscaping and active (glazed) commercial tenancy frontage to The Esplanade with a width at the boundary of 13 metres;

- Full-height vertical landscaping per **Attachment B** (provided to the switch room and vehicle ramp walls, however only the 5 metres between the booster cabinets is counted towards active street frontage per **Clause 5.5.16**) – refer below;
- Seating and interpretive signage areas adjacent the road apex and the back-up generator, with a combined width of 12 metres (additional seating, tables and interpretive signage is provided within the site along the pedestrian access plazas).

In accordance with administration subclause 3 of **Clause 5.5.16**, landscaping may be counted toward the percentage of required active street frontage if it is comprised of vertical landscaping for the full height of the ground level street frontage, and the development still meets the purpose of the clause. Full height vertical landscaping is provided to the walls of the switch room and vehicle ramps, comprising full height climbing vines per the landscaping design plans in **Attachment B**. The contribution of vertical landscaping to the active frontage requirements in **subclause 6** is limited to the 5 metres between the booster cabinets, where the connection between vertical landscaping and the street is uninterrupted, and directly fronts the street (noting the switch room wall is angled and setback further from the street frontage).

Collectively, the extent of active frontage elements under subclause 3 and 6 equate to 40 metres, equivalent to 32.7% of the total 122.26 metre [development] site frontage to Harry Chan Avenue / The Esplanade. Whilst the amended design improves compliance with the requirements of **Clause 5.5.16**, there remains a variation to requirement subclause 6 in that the extent of active street frontage (at 32.7%) is below the required 60% minimum.

Administration subclause 2 of **Clause 5.5.16** allows the consent authority to consent to a development that is not in accordance with subclause 6 if the development provides:

a) an alternative solution effectively meets the purpose of this clause;

With regard to **a)**, the purpose of **Clause 5.5.16** is to ensure a site-responsive interface between commercial buildings and the public domain that:

- (a) is attractive, safe and functional for pedestrians;*
- (b) encourages activity within the streetscape; and*
- (c) encourages passive surveillance of the public realm.*

The amended ground level design improves amenity for pedestrians through the inclusion of additional landscaping, shade trees and increased building setbacks (relative to the original proposal), improving walkability and the appeal of the pedestrian connection between Traveller's Walk and the pedestrian plazas. Additional indented seating areas cloaked in landscaping and integrated with interpretive signage provide further opportunities for congregating, and glazed frontages to both the northern library and eastern commercial tenancy provide opportunities for passive surveillance (**figure 1**). Active pedestrian plazas along the southern and western building elevations widen at the street connections, highlighting public thoroughfares through the site, with the increased pedestrian amenity along the street footpath connecting the entry points adjacent the site boundaries. Accordingly, the interface between the public realm and the proposed building is consistent with the purpose of **Clause 5.5.16**.



Figure 1: *Passive Surveillance*

b) the site design reflects the established character of the area; or

With regard to **b)**, the established streetscape character of the locality consists of a mixture of:

- Predominantly active building and site frontages comprising:
 - The Northern Territory Local Court to Cavenagh (partially active) street and Harry Chan Avenue;
 - ABC building to Cavenagh Street;
 - 22 Harry Chan Avenue, include ground level glazing and alfresco dining;
 - Open forecourt leading to the William Forster Chambers entry foyer;
 - Glazed ground level shopfront at lot 7602;
- Inactive and 'hard' border frontages at:
 - 15 (fencing) The Esplanade;

- William Forster Chambers marble street boundary wall;
 - Existing civic centre wall (screening mechanical plant) to northern Harry Chan Avenue boundary; and largely inactive (albeit interspersed with dark glazing) western Harry Chan Avenue elevation;
 - High fencing to the entire frontage of the Consulate of the Republic of Indonesia (with car parking area immediately behind) and the majority of the adjacent 'The Gables' building at 18 Harry Chan Avenue;
- Active public pedestrian permeation from Cavenagh Street between the existing Civic Centre and Civic Park; from Harry Chan Avenue along the eastern side of the existing Civic Centre; and from Harry Chan Avenue to Traveller's Walk;
 - Active landscaped frontages to the Local Courts (from Harry Chan Avenue) and Civic Park (from the Bus Interchange portion of Harry Chan Avenue);
 - Inactive landscaped frontages from the existing Civic Centre to the western Harry Chan Avenue frontage; from the existing ground level Council car park (the development site) to Harry Chan Avenue and The Esplanade; the existing fenced boundary at 17 The Esplanade; and the existing Esplanade frontage to lot 7795 (informal car parking area within the Christ Church Cathedral site); and
 - Vehicle access and service infrastructure, notably the vehicle access areas and forecourt areas to the Arkaba East and West apartments at 13 and 15 The Esplanade; the Bridgeport apartments at 9 The Esplanade; the access and street front ground level car parking area at 28 Harry Chan Avenue; combined street front sprinkler valves; vehicle access and dual package substations at 22, 24 and 26 Harry Chan Avenue; and the 12 perpendicular ground level car parking spaces accessed directly from the wide crossover to the northern façade of the existing Civic Centre from Harry Chan Avenue.

Whilst the range of frontages is not unusual in a CBD setting, the proportion of inactive frontage is higher than other areas of the CBD, and higher than required by **Clause 5.5.16** (refer **figure 2**). Of particular note, frontages directly opposite the street boundaries of the subject land comprise large areas of inactive frontage interspersed with areas of active frontage. The proposed western pedestrian plaza and adjacent landscaping aligns with the active elements of 22 Harry Chan Avenue located opposite (including the alfresco dining area), with the proposed inactive elements commencing approximately in line with the service infrastructure and inactive frontages at 22, 24 and 26 Harry Chan Avenue. Continuing east around the northern side of Harry Chan Avenue opposite the subject land, larger areas of inactivity at 28 Harry Chan (ground level car park) and the wide frontages at 9, 13 and 15 The Esplanade, with the Bridgeport and Arkaba apartment buildings focussed towards the Waterfront escarpment and oriented away from The Esplanade frontage. Whilst these frontages are interspersed with more active interfaces, comprising the William Forster Chambers forecourt, the entrance to Traveller's Walk and the retail tenancy at 13 The Esplanade, the mixed character of site frontages within the immediate locality (including the lot 7795 car park to the south) is a notable departure from the 60% desired by **Clause 5.5.16**.

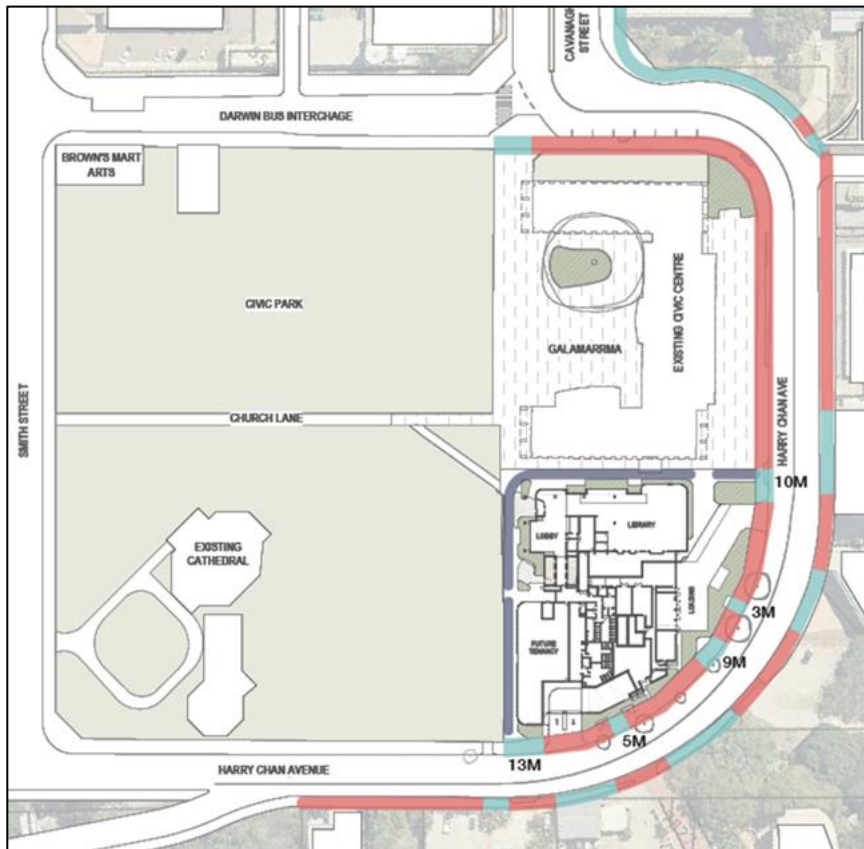


Figure 2: Active (blue) and Inactive (red) Frontages

In addition to the lower proportion of active building frontage, built form interface also varies significantly. Distinct from other areas of the CBD, where built form is predominantly constructed to the street boundary, the locality is characterised by a more variable street setback pattern, with a higher proportion of separation between buildings.

Finally, the existing streetscape character benefits from the appearance of well-maintained street level landscaping to both active and inactive frontages (e.g. the western elevation of the Civic Centre), and civic functions within the site and locality are emphasised by the visibility and accessibility of public pedestrian thoroughfares (specifically adjacent the existing Civic Centre and to Traveller's Walk). In response to these positive character elements, and where active frontage is not provided, the amended design:

- Places greater emphasis on the extent, depth and quality of landscaping to the street frontage;
- Maintains the additional public pedestrian routes through the site, furthering the level of public permeability that is currently a positive element of the streetscape character; and
- Provides a building and site layout that adopts varied building setbacks to the street boundaries, reflecting the increased separation of buildings to the street boundaries (particularly to the east). Noting **Attachment F** in the original application, the concentration of built form on the existing car park, enabling the demolition of the existing Civic Centre, ensures the separation between buildings and the extent of void space can be maintained.

- c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.***

Finally, with regard to **c)**, the suitability of the variation to the requirements of **Clause 5.5.16** under **a)** and **b)** negate any reliance on **c)** to support the variation. As detailed earlier in this section, the extent of service infrastructure at the street level frontages is limited to that which is required by the service authorities, and the amended design has minimised the impact of servicing requirements on the street frontages, noting the extent of active frontage provided to the western and southern facades (84% and 100% respectively).

- 7. Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls.*

Façade design changes comprise the addition of perforated aluminium screening to the level 2 façade, extending down to the ground level to provide further visual articulation and break-up the appearance of blank walls.

The revised landscaping concept in **Attachment B** details the additional low and mid-level planting within the increased setback area, improving amenity for pedestrians along the footpath, with the provision of shade trees providing shelter and improving the appearance of the site from surrounding land and the public realm. The provision of additional street infrastructure and interpretive signage provides additional opportunity for activation and congregation within the site, integrating the public realm footpath with publicly accessible space and landscaping within the site boundaries. In addition to planting at street level, vertical landscaping is provided between service access areas to minimise the appearance of blank walls and contribute to a high amenity interface with the street frontage.

2.0 Deferral Point 2 – Amended Architectural Statement to Address Clauses 5.5.3 and 5.5.15

The second point in the deferral decision requires the submission of an expanded architectural design statement to address how the proposed development achieves compliance with specific requirements of **Clauses 5.5.3** and **5.5.15**. The specific elements identified in the deferral decision are:

- The preservation of vistas along streets to buildings and places of architectural, landscape or cultural significance;
- Development to be sympathetic to the character of buildings in the immediate vicinity;
- The minimisation of expanses of blank walls (generally) and (specifically) minimise the expanse of blank walls facing the street and public open spaces; and
- Minimising the use of reflective surfaces (generally) and (specifically) limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

The amended statement from CA Architects is contained in **Attachment C**. The amended design statement:

- Outlines the approach (based on the design amendments) to achieve ground level activation, including specifically in response to **Clause 5.5.16**; and the design amendments to improve compliance with the requirement to minimise the expanse of blank walls;
- Outlines the consideration of vistas along streets to buildings and places of architectural, landscape or cultural significant, noting the preservation (and opportunity for increased views as a result of the removal of the existing Civic Centre) of the primary view corridor along Cavenagh Street to Galamarrma; the view corridor from Cavenagh Street to The Esplanade along the pedestrian route adjacent the southern elevation of the existing Civic Centre; from Smith Street along Church Lane and to Civic Park; and
- Clarifies the use of modern glare-reducing glazing to minimise visible light reflectance. The architectural design statement is supported by advice from the projects' façade engineer in **Attachment D**, confirming that the glare and reflectivity risk associated with the engineering of the façade systems is being managed through appropriate glass selection within the curtain wall.

In response to the deferral seeking further information against **Clause 5.5.3(3)** and **Clause 5.5.15(12)**, which require development “*be sympathetic to the character of buildings in the immediate vicinity*” and “*building design is to be sympathetic to the character of buildings in the immediate locality*” the design statement:

- Considers the diversity and scale of surrounding buildings;
- Emphasises the design response to local character via material selection, colours and textures; the siting of the podium and tower elements, and the use of setbacks to reduce perceived scale and visual impact; and the use of planting zones.

It is noted, on page 2 of the deferral decision, that the consent authority determined the *locality* as follows:

For the purposes of its assessment, the Authority considers the locality of the site to encompass all land bordered by and internal to the north-western side of Bennett Street, the north-eastern side of Cavenagh Street and Harry Chan Avenue and the Esplanade to the south-west and south-east.

The land uses in the locality are primarily civic / community, commercial or residential in nature notably consisting of:

- *On the north-eastern and south-eastern side of Harry Chan Avenue are various office, mixed-use and residential buildings ranging in height from 6 to 13 storeys.*
- *On the corner of Smith Street and the Esplanade is Christ Church Cathedral, a declared heritage place, and associated car parking and landscaped areas.*
- *On the southern side of Smith Street is the State Square Precinct which consists of the future State Square Art Gallery (currently under construction), the Supreme Court, Parliament House and Administrator's Office.*
- *On the north-western side of Bennett Street are various mixed use and office buildings ranging in height from one to 20 storeys.*

As described above, the locality is categorised by a range of extant lower scale buildings and more robust taller contemporary buildings and comprises a mix of uses. The Authority notes that it encompasses areas of significant community, cultural and heritage values. More broadly, the development site and the locality form part of Darwin's Central Business District (CBD).

The application of **5.5.3(3)** and **5.5.15(12)** are somewhat more limiting, requiring a response to the character of buildings in the "immediate vicinity" and the "immediate locality" respectively. As a result of this, and specifically considering the development response to these provisions, a somewhat tighter immediate locality is necessary.

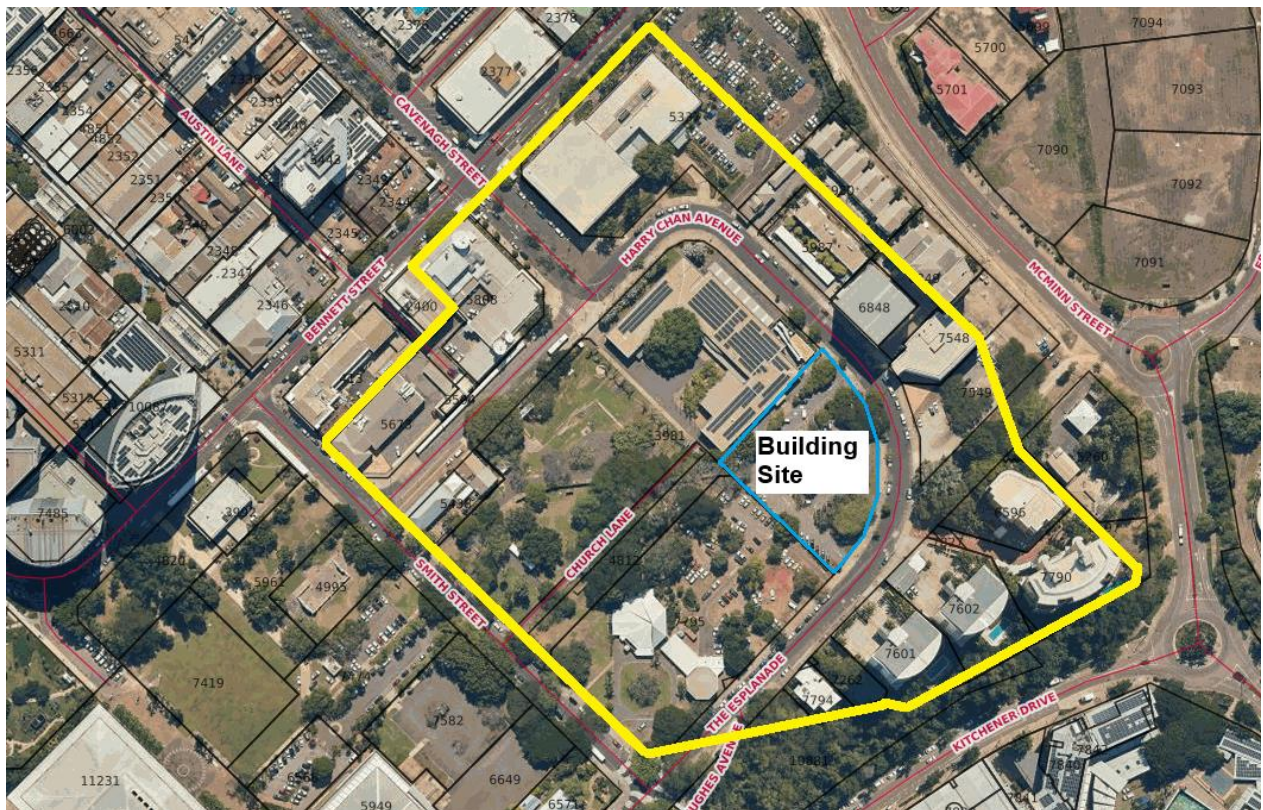


Figure 3: Extent of Immediate Vicinity / Immediate Locality for the purpose of **C5.5.3(3)** / **5.5.15(12)**

Character in a planning context is a descriptive term used to describe how the features of an area come together to give the area its own particular character. As a descriptive term the consideration of character, and the required response, is not limited to those buildings or features which may be considered more attractive or desirable, rather requires an understanding of how the features of an area come together to give the area (in the case of **C5.5.3(3)** and **C5.5.15(12)** the immediate vicinity / immediate locality) its own particular character.

The reference to immediate vicinity / immediate locality in the wording of **C5.5.3(3)** and **C5.5.15(12)** emphasises the importance of proximity in the consideration of a development response to established character. By extension, the separation of building and development works from existing buildings can function as a tool to achieve development outcomes sympathetic with existing character.

The immediate locality / vicinity in **Figure 3** comprises a mix of residential and mixed use residential and commercial buildings, offices, civic and judicial buildings, open space, landscaping, open ground level car parking and public transport. Built form nearest the site consists of:

- Contemporary high density residential apartment buildings immediately east and south-east of the site with a height as they present to Harry Chan Avenue / The Esplanade between 6 and 10 storeys. The two larger Arkaba apartment buildings at 13 and 15 The Esplanade are more prominent than the smaller buildings at 7 and 9 The Esplanade, which are both setback further from the street boundary. Building materials consist of contemporary concrete materials with regular window and balcony indentations, and varied roof forms including flat (13 and 15) and articulated. Colours include off-white / cream, earthy pale reds and yellows;
- Contemporary commercial and mixed residential and commercial development to the north, between 2 and 9 storeys, set close to the street boundary with masonry construction, numerous vertical elements in the taller building at 22 Harry Chan Avenue, reflective tile wall at the William Forster Chambers interface with the footpath, and colours including white / off-white, retained concrete colouring and feature red window vanes;
- The existing Civic Centre, NT Local Court, Indonesian Consulate and Gables office building are lower buildings, between 2 and 3 storeys, with varied setbacks and building frontages (including active landscaped frontage to the Local Court, inactive fenced car park to the consulate, hard building frontage to 18 Harry Chan and the wide car park frontage of the Civic Centre). The lower buildings are dominated by their horizontal elements, including car park awnings, continuous vane screening and floors between levels. Colours and finishes include creams and cream-brick, blues, pale yellows, greys and earthen reds;
- To the west and south-west extending further away from the site, building forms are generally lower, between 1 and 2 storeys, with the contemporary ABC building between 1 and 2 storeys. Further south-west, the Browns Mart Theatre and the commercial building at 18 Smith Street are defined by street level building edges, feature stone facades and pitched roof forms (both hip and gable). A combination of natural porcellanite stone colouring, cream render and burgundy colouring, particularly on the fascia's, window frames and doors; and
- To the south / south-south-west of the site, the Christ Church Cathedral and adjacent ruins are set well back from Smith Street, with the memorial gate and seating constructed of face concrete blockwork located on the Smith Street frontage. The ruins are constructed of porcellanite stone. The new cathedral sits behind the ruins with a roughly octagonal layout and main structural elements of grey concrete. A combined office / function / service building between 1 and 2 storeys extends from the Cathedral building towards the Esplanade frontage.

In addition to the buildings, the character of the immediate locality is influenced by a mix of active, inactive and service area frontages to street boundaries, a range of building setbacks, with buildings immediately north of the development site set on or close to the street, whilst the high density residential buildings to the east are setback from the street frontage, concentrating development towards the escarpment. To the north-west, west, south-west and south, setbacks range from the Civic Centre, Local Courts and Consulate featuring smaller but nonetheless notable setbacks, the ABC building, Browns Mart and 18 Smith Street built on or close to the street boundary (with 18 Smith St incorporating a ground level forecourt and car parking area transitioning into the Harry Chan Avenue Road Reserve) and the Christ Church Cathedral set well back from Smith Street.

Finally, the extent of landscaping and established vegetation, including within private land, the prominence of Civic Park and proximity to the subject land, and the range of setbacks and the separation between buildings (relative to other areas of the CBD) contribute to the character of the immediate locality.

Evident in **Figure 3**, the more contemporary and larger buildings (with regard to height and visual influence from ground level) wrap around the northern, eastern and south-eastern sides of the development site. Situating the proposed building on this portion of Lot 3981 maximises separation to the lower level buildings to the west / south-west, allowing Civic Park to function as a buffer whilst achieving the desired civic function interface with Civic Park, the future Civic Plaza and Galamarrma. The selected development site (allowing the existing Civic Centre to be demolished shifting the concentration of built form further towards the eastern portion of 3981) ensures substantial separation to lower level buildings within the locality, with the development site situated more than 110 metres from the Browns Mart Theatre, and 70 metres to the Christ Church Cathedral. The concentration of the built form functional requirements for the City of Darwin within the easternmost portion of lot 3981, and the planned demolition of the existing Civic Centre, respects the separation between buildings, respecting the extent of open area within the locality (including in comparison to development with a lower height and larger footprint).

Conversely, whilst concentrating the proposed built form nearest the more contemporary and higher buildings in the northern and eastern part of the immediate locality, retaining a ground level setback between the building face and the Harry Chan Avenue / The Esplanade frontage, and locating the tower towards the western extent of the podium, respects the siting of existing residential built form towards the escarpment, and the provision of varied ground level landscaping to the street frontage responds to the established character.

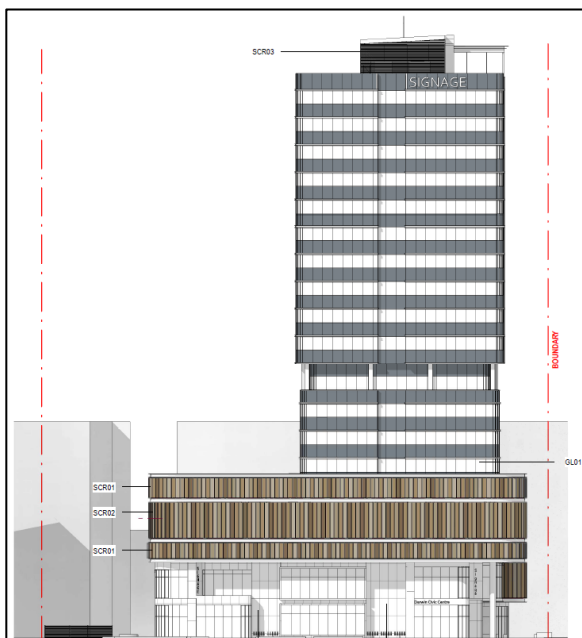


Figure 4: Cavenagh Street Elevation

The architectural statement in **Attachment C** notes the sympathetic response to local character via material selection, colours, and textures that harmonize with the surrounds (refer **figure 6** in the statement) while allowing for contemporary interpretation. Critically, the statement notes the setback of the tower level from the podium face to reduce perceived scale and visual impact. Whilst taller than existing buildings in the immediate locality, the podium height below the height of buildings immediately north and east of the site draws attention when viewed from the street level, and the substantial separation from the podium edge to the tower highlights the perception of the lower levels (**Figure 4**). Conversely, when viewed from Cavenagh Street, the tower extends upwards from the primary entrance, providing a backdrop to views of Galamarrma and responding to the Gateway location at the intersection.

It is important to note that the requirement for development be sympathetic to the character of buildings does not require the replication of existing buildings or limit the scope of design interpretation. The development design responds to the character of existing buildings in the locality, and the location of the subject land therein, through siting and orientation, building layout, the approach to volumetric outcomes and the relationship between the

podium and tower levels, external colours, materials and finishes, and the approach to landscaping. The mix of land uses and built form outcomes will ensure attractive, pleasant and safe site-responsive development with a mix of land uses that will contribute to the activity and amenity of the locality and the Darwin CBD more broadly.

Please do not hesitate to contact the undersigned with any queries regarding this matter.

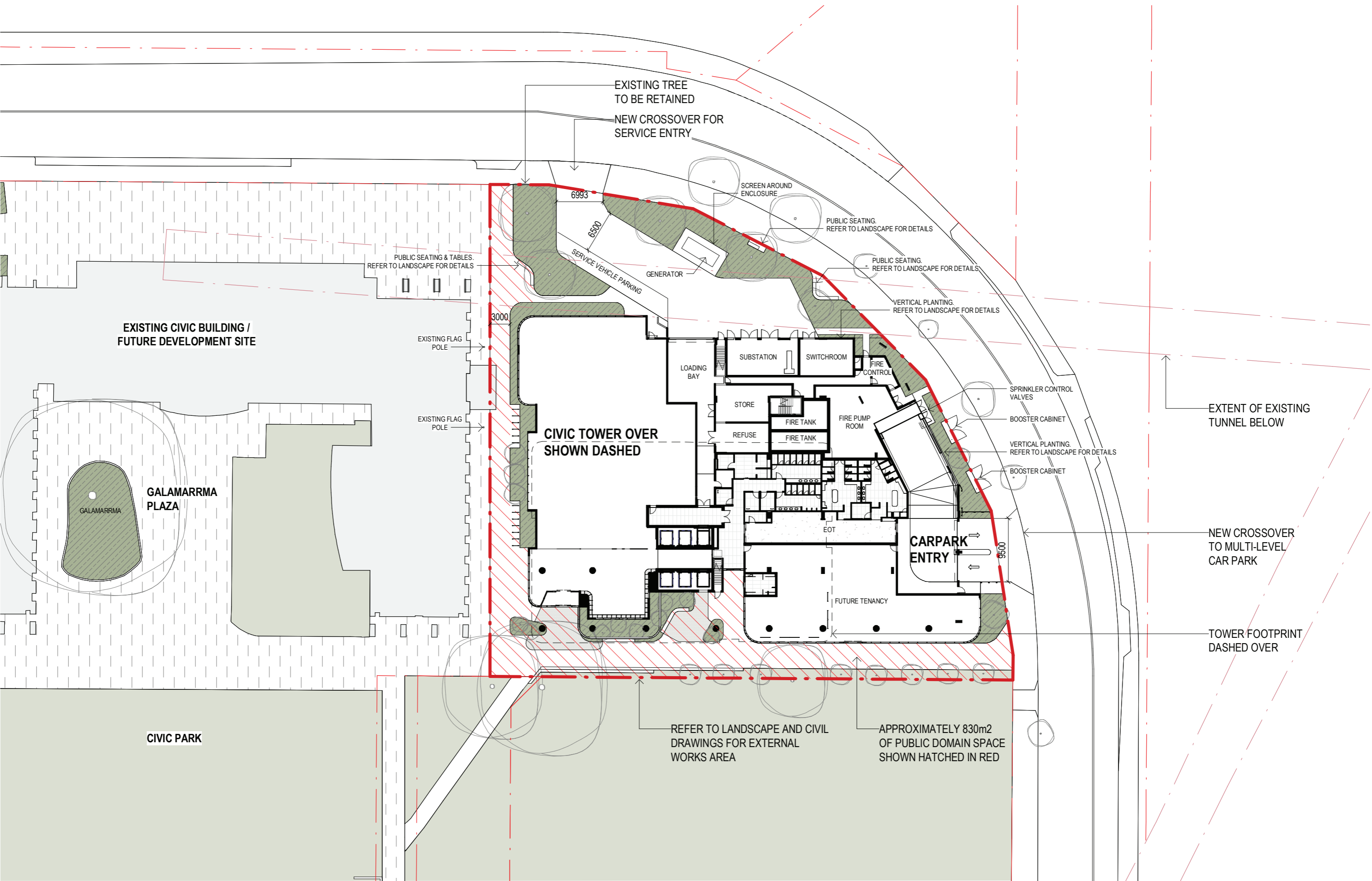
Regards



BRAD CUNNINGTON

Cunnington Rosse Town Planning and Consulting

- Attachment A: Amended Architectural Plans – Ground Floor and Site Layout; Renders
- Attachment B: Amended Landscape Design Plans
- Attachment C: Architectural Design Statement
- Attachment D: Façade Engineer Advice
- Attachment E: Urbis – Traffic Engineer Vehicle Access Advice
- Attachment F: Street Level Service Summary



EXISTING CIVIC BUILDING /
FUTURE DEVELOPMENT SITE



GALAMARRMA
PLAZA

CIVIC PARK

CIVIC TOWER OVER
SHOWN DASHED

CARPARK
ENTRY

EXISTING TREE
TO BE RETAINED
NEW CROSSOVER FOR
SERVICE ENTRY

SERVICE VEHICLE PARKING

LOADING BAY SUBSTATION SWITCHROOM FIRE CONTROL

STORE REFUSE FIRE TANK FIRE TANK FIRE PUMP ROOM

PUBLIC SEATING. REFER TO LANDSCAPE FOR DETAILS

PUBLIC SEATING. REFER TO LANDSCAPE FOR DETAILS

VERTICAL PLANTING. REFER TO LANDSCAPE FOR DETAILS

SPRINKLER CONTROL VALVES

BOOSTER CABINET

VERTICAL PLANTING. REFER TO LANDSCAPE FOR DETAILS

BOOSTER CABINET

EXTENT OF EXISTING
TUNNEL BELOW

NEW CROSSOVER
TO MULTI-LEVEL
CAR PARK

TOWER FOOTPRINT
DASHED OVER

REFER TO LANDSCAPE AND CIVIL
DRAWINGS FOR EXTERNAL
WORKS AREA

APPROXIMATELY 830m2
OF PUBLIC DOMAIN SPACE
SHOWN HATCHED IN RED

Darwin Civic Centre Redevelopment

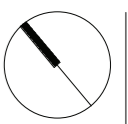


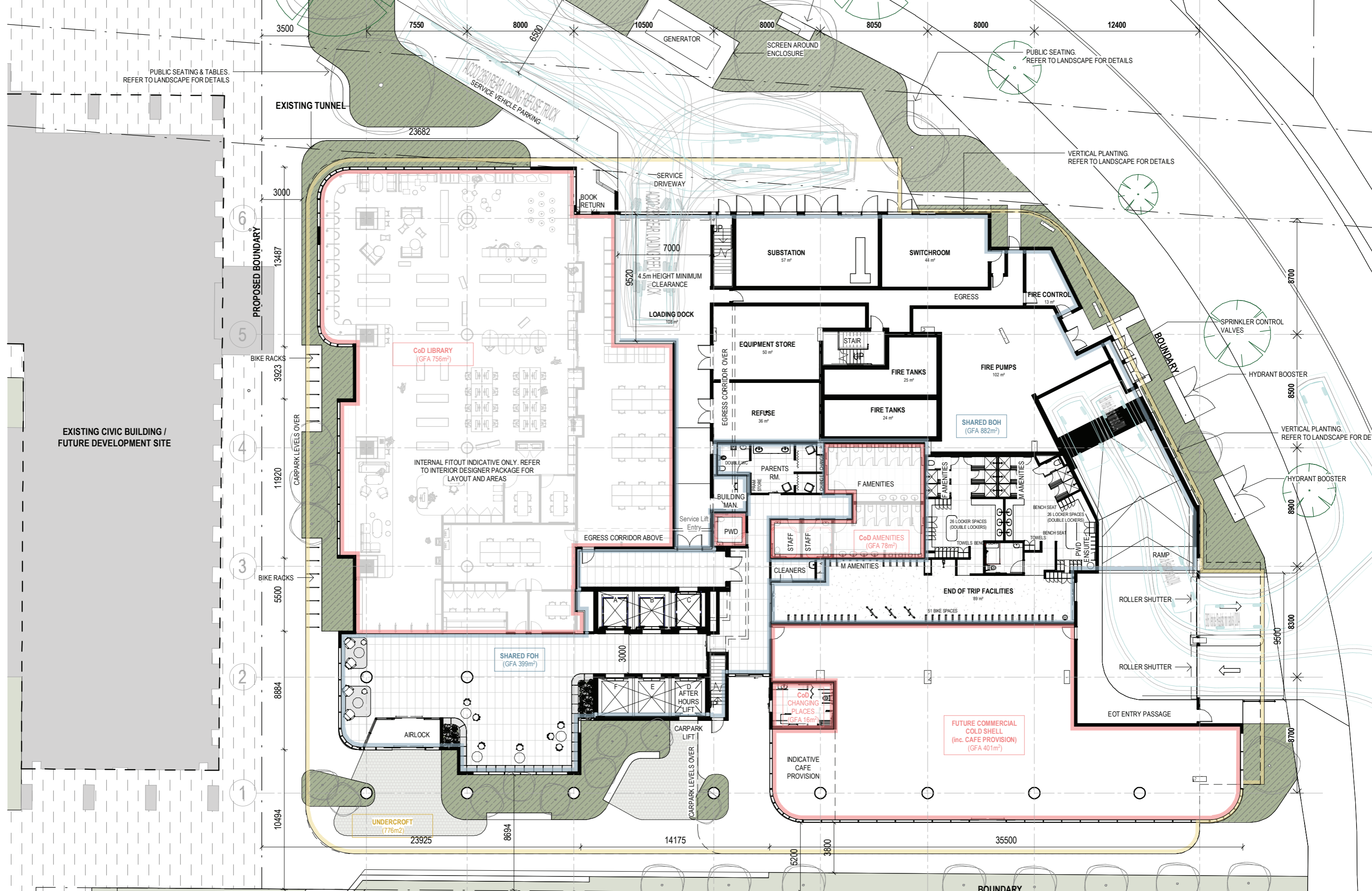
CA Architects
Cairns | Brisbane | Townsville | Darwin
e: reception@caarchitects.com.au t: +617 4031 6367

Ground Level Site Plan - Proposed

2248_SD DA-003 Rev 6 3/03/2025 3:17:52 PM
Drawn: JH Check: CA

DCOH 1 : 500 @ A3
0 5 10 15 20 25m
Scale 1:500





**Darwin Civic Centre
Redevelopment**



CA Architects

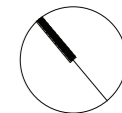
Cairns | Brisbane | Townsville | Darwin
e: reception@caarchitects.com.au t: +617 4031 6367

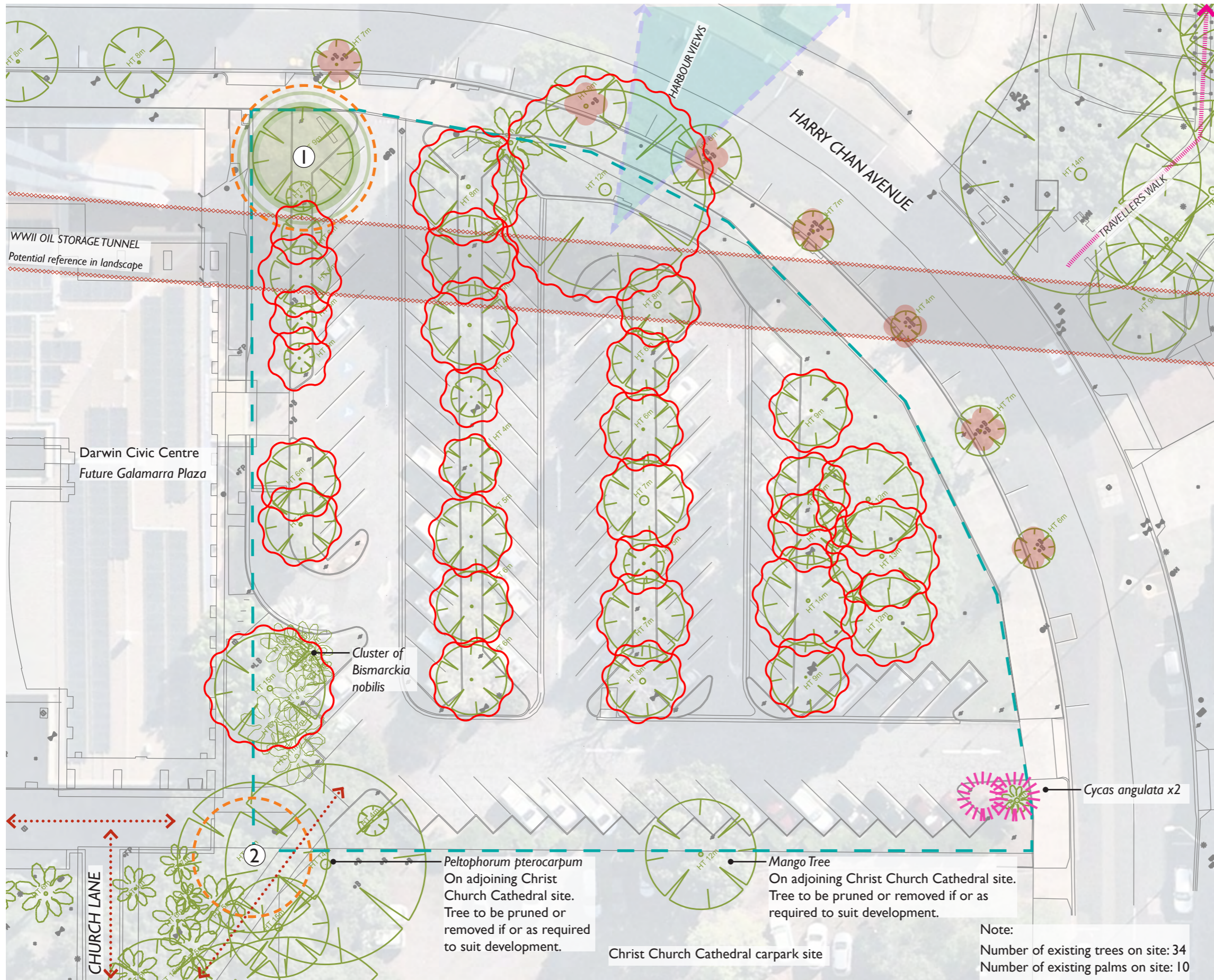
Level 1

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DA ISSUE

DCOH 1 : 250 @ A3





- LEGEND**
- SCOPE OF WORKS
 - TPZ
Tree Protection Zone
 - EXISTING TREE
High value shade tree.
To be retained & protected.
 - ① *Mimusops elengi*
High amenity. Good form.
TPZ: 7.2m radius
 - ② *Peltophorum pterocarpum*
On adjoining CoD site.
Moderate amenity. Poor form.
TPZ: 6m radius
Significant memorial tree, TBC.
Plaque:
"Planted by Ald Charlie Taylor,
Arbor week 1985"
 - EXISTING TREES
To be removed
 - ✶ EXISTING CYCAS
To be salvaged &
transplanted in new
landscape work.
 - ⋯ EXISTING PEDESTRIAN ACCESS
 - ✚ EXISTING STREET TREES

Cluster of
*Bismarckia
nobilis*

② *Peltophorum pterocarpum*
On adjoining Christ
Church Cathedral site.
Tree to be pruned or
removed if or as required
to suit development.

Mango Tree
On adjoining Christ Church Cathedral site.
Tree to be pruned or removed if or as
required to suit development.

Cycas angulata x2

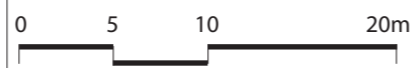
Note:
Number of existing trees on site: 34
Number of existing palms on site: 10

Christ Church Cathedral carpark site



Client:
DCOH

1:400 @A3



DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 01

SITE ANALYSIS

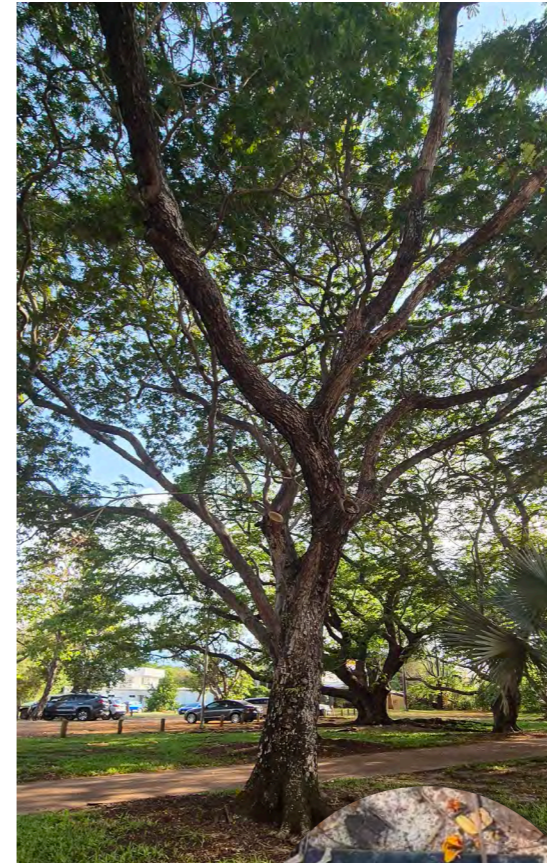
03-03-2025 RI



Albizia saman to be removed.



Adansonia gregorii to be removed.



Peltophorum pterocarpum, refer Sk 01 notes.



Peltophorum pterocarpum, refer Sk 01 notes.



Porcellanite rock boulders to be salvaged.



Resident Bush Stone-curlews. Provide habitat in new works.



Mimusops elengi to be retained & protected.



Cycas angulata to be transplanted.



Bismarckia nobilis to be removed.



Client:
DCOH

DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 02





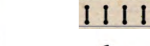

SITE ANALYSIS (IMAGES)

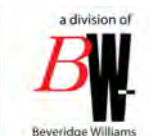
03-03-2025 R1

CONCEPT STATEMENT

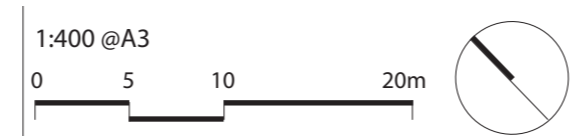
Mini plaza, public realm, welcoming, seating spaces (responding to library and waiting to meet people), opportunities for people to gather - small (café, library, entry lobby), capturing pedestrians into site, interest, colour, porcellanite tones, highlighting culture & history (example: Larrakia seasons / WWII tunnels), flexible for future development, want to linger, cool, landscape supporting fauna, public art opportunities, relaxed.

LEGEND

-  TPZ
Tree Protection Zone
-  EXISTING TREE
To be retained & protected.
High amenity. Good form.
-  TREE
Refer planting schedule for species.
-  PALM
Refer planting schedule for species.
-  CYCAD
Transplanted from site & new.
Refer planting schedule for species.
-  GARDEN BED
Species selection considering passive surveillance. Inclusive of site re-purposed porcellanite rock boulders. Refer planting schedule for species.
-  DRIVEWAY
Plain concrete, refer to Civil
-  PAVEMENT
Combination masonry feature pavement to suit pedestrian & vehicle movements
-  FEATURE PAVEMENT
Feature pavement delineating entrance zones
-  SEATING
Porcellanite clad or perforated patterned steel backlit.
-  TABLES
-  Historical interpretation in pavement of WWII tunnel below. Consider proposed link to Traveller's Walk.
-  Historical interpretation / signage representing the Chung Wah Society
-  BIKE RACKS
-  ROCK BOULDERS
Reclaimed Porcellanite boulders from site & new.
-  PORCELLANITE STONE BLADES
Carrying design language through from Liberty Square.

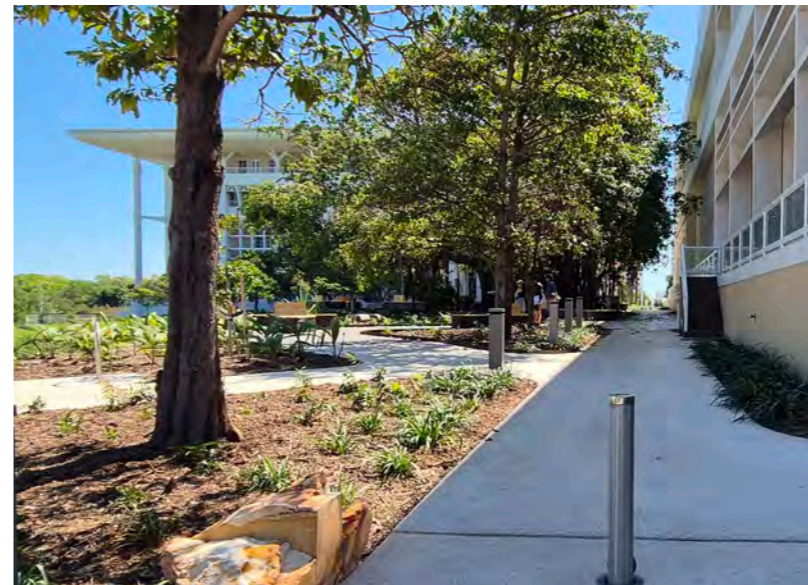
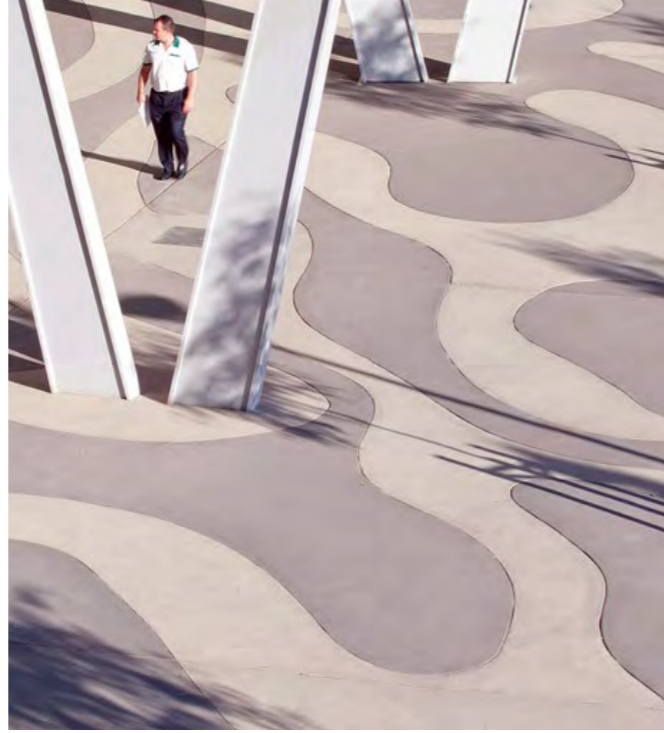
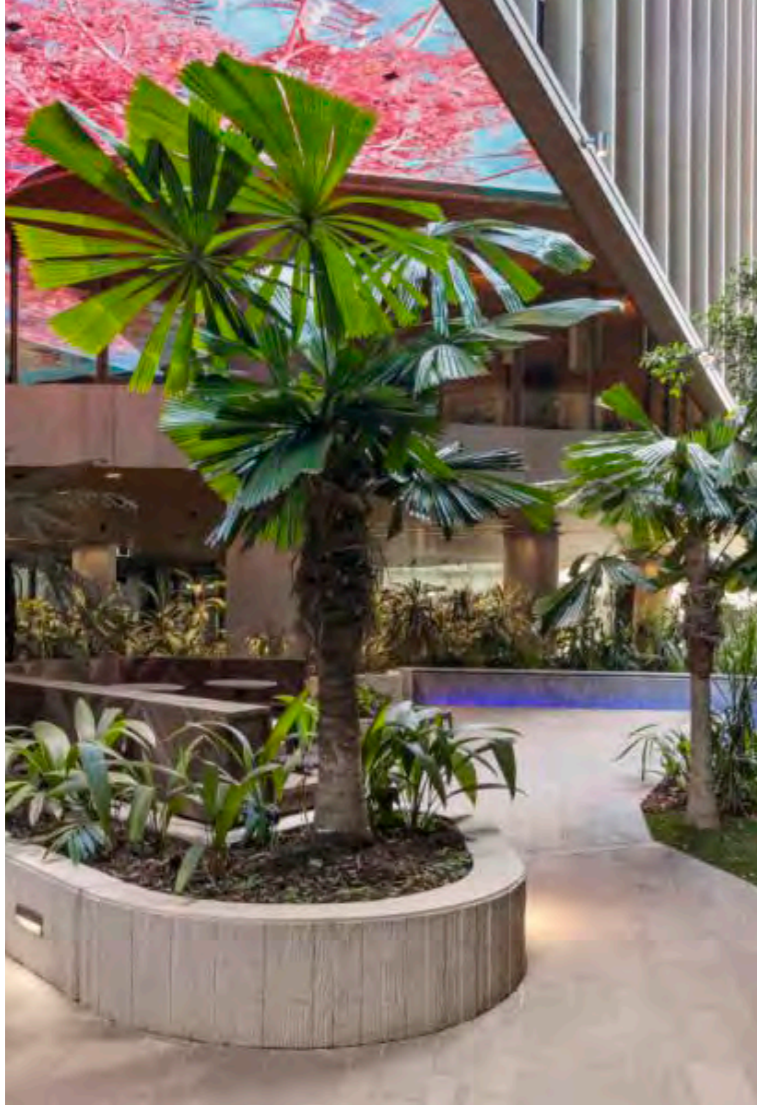


Client:
DCOH



DARWIN CIVIC CENTRE • Darwin, NT DA Submission
LANDSCAPE CONCEPT PLAN - GROUND FLOOR

2402281 Sk 03
03-03-2025 RI



Client:
DCOH

DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 04

LANDSCAPE PRECEDENTS

03-03-2025 RI



Client:
DCOH

DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 05

LANDSCAPE MATERIALITY

03-03-2025 RI



Alstonia actinophylla



Peltophorum pterocarpum



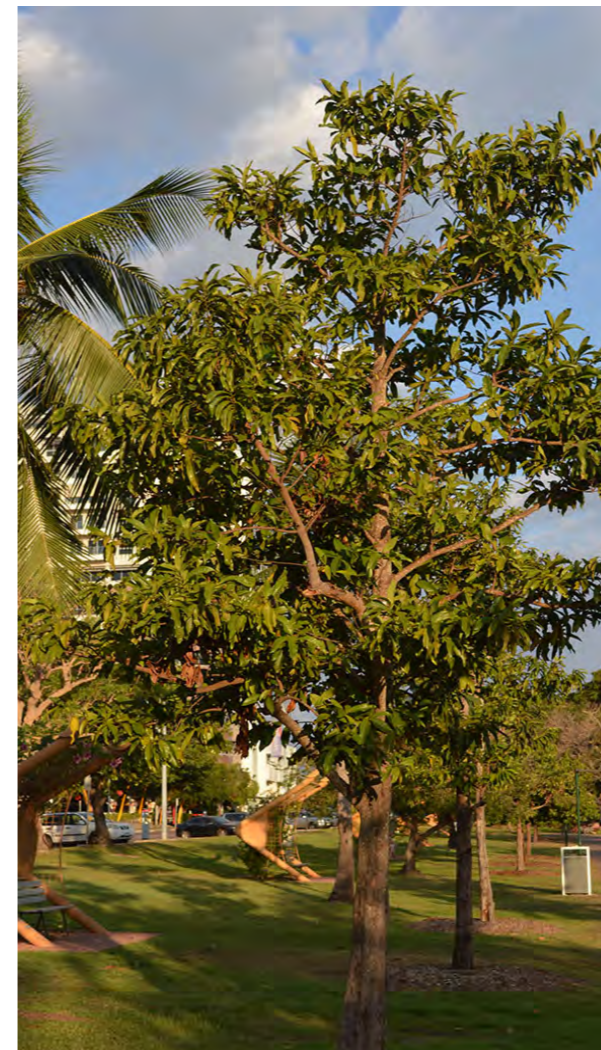
Cycas angulata (transplanted from site) x2



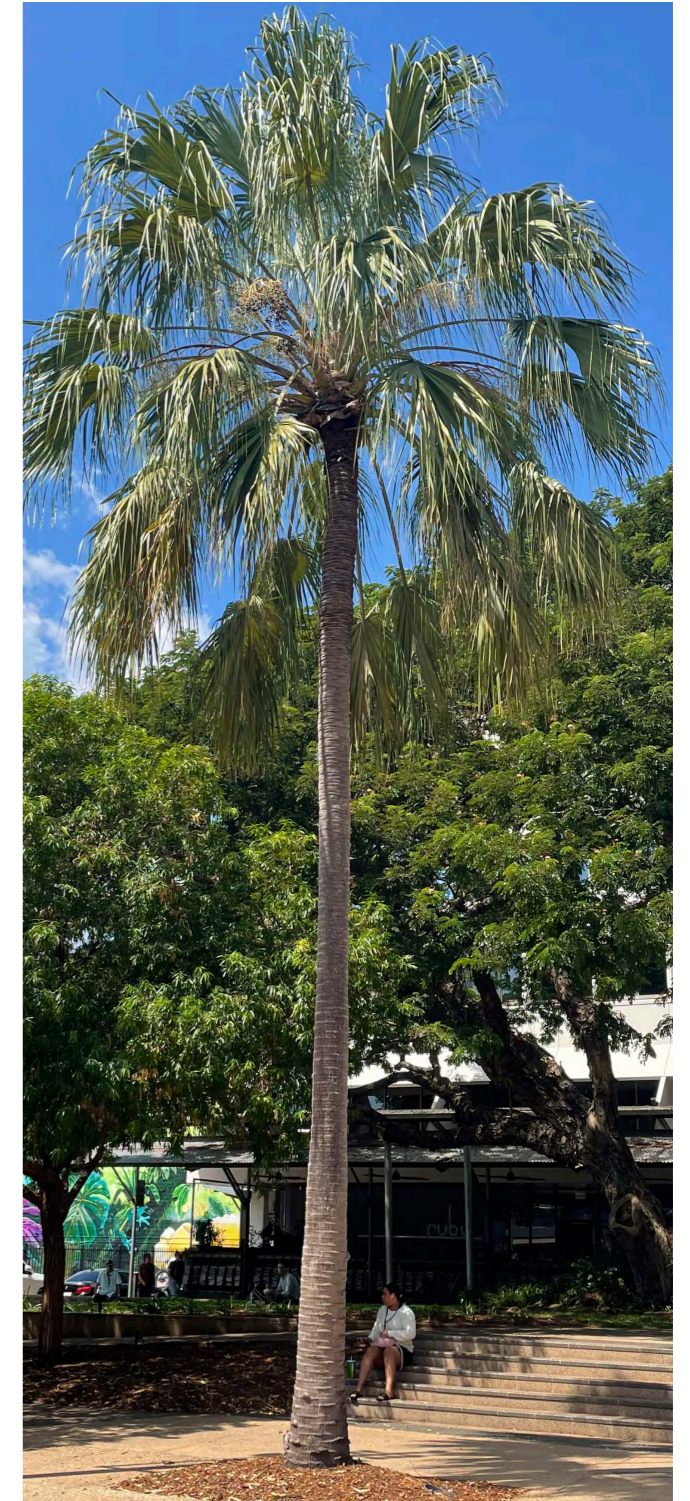
Cycas armstrongii



Licuala grandis



Horsefieldia australiana



Livistona rigida

TREES & PALMS & CYCADS PLANTING SCHEDULE

Overall quantity: Shown on plan

KEY	SPECIES	COMMON NAME	HEIGHT
AA	ALSTONIA ACTINOPHYLLA	MILKWOOD	10-20M
CYC ARM	CYCAS ARMSTRONGII	-	N/A
HA	HORSEFIELDIA AUSTRALIANA	NUT HORSEFIELDIA	10-15M
LG	LICUALA GRANDIS	RUFFLED FAN PALM	5M
LR	LIVISTONA RIGIDA	MATARANKA PALM	20M
PP	PELTOPHORUM PTEROCARPUM	YELLOW FLAME TREE	10-12M



Client:
DCOH

DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 06

PLANTING PALETTE & SCHEDULE - TREES & FEATURE PLANTS

03-03-2025 RI



Grevillea formosa



Asteromyrtus sp.



Melastoma malabathricum



Leea rubra



Vitex rotundifolia



Stenochlaena palustris



Lomandra verday



Blechnum brasiliense

UNDERCROFT (SHADED AREAS)

SHRUBS, GRASSES & GROUNDCOVERS PLANTING SCHEDULE

Approximate overall quantity: 2 per m2

KEY	SPECIES		HEIGHT
ACR SPE	ACROSTICHUM SPECIOSUM	MANGROVE FERN	1-1.5M
AST MAG	ASTEROMYRTUS MAGNIFICA	-	1-3M
BLE BRA	BLECHNUM BRASILIENSE	BRAZILIAN TREE FERN "RED FORM"	1.5M
CHE SPE	CHEILOSTUS SPECIOSUS	VARIEGATED CREPE GINGER	2-3M
CTE SET	CTENANTHE SETOSA	GREY STAR	1M
DIA ODO	DIANELLA ODORATA	NATIVE FLAX LILY	8-1M
FIC PUM	FICUS PUMILA	CLIMBING FIG	N/A
GRE FOR	GREVILLEA FORMOSA	MT BROCKMAN'S GREVILLEA	vv
HOM RUB	HOMALOMENA RUBESCENS "MAGGY"	MAGGY	1M
LEE RUB	LEE RUBRA	-	1-3M
LOM VER	LOMANDRA VERDAY	-	.7M
MEL MAL	MELASTOMA MALABATHRICUM	NATIVE LASIANDRA	1-2M
MON DEL	MONSTERA DELICIOSA	SWISS CHEESE PLANT	N/A
PHI BIP	PHILODENDRON BIPINNATIFIDUM	-	.5 - .8M
STE PAL	STENOCHLAENA PALUSTRIS	CLIMBING SWAMP FERN	.5-.8M
VIT ROT	VITEX ROTUNDIFOLIA	BEACH VITEX	.2-.5M

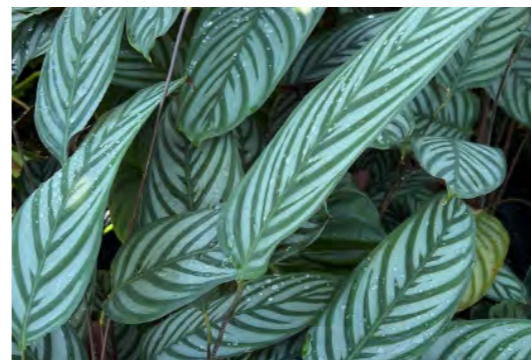
CLIMBERS

Approximate overall quantity: 2 per m2

KEY	SPECIES		HEIGHT
PET BAM	PETRAEOVITEX BAMBUSETORUM	NONG NOOCH VINE	8M approx.
COM IND	COMBRETUM INDICUM	RANGOON CREEPER	8M approx.



Cheilocostus speciosus



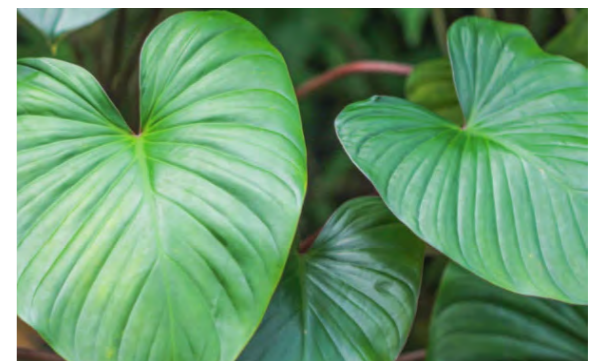
Ctenanthe setosa



Philodendron bipinnatifidum



Monstera deliciosa



Homalomena rubescens



Client:
DCOH

DARWIN CIVIC CENTRE • Darwin, NT

DA Submission

2402281 Sk 07

PLANTING PALETTE & SCHEDULE - SHRUBS / GROUNDCOVERS

03-03-2025 RI



Date 25th February 2025
Subject Darwin Civic Centre – Design Statement

Design Statement

The project vision is to provide an iconic home for the City of Darwin Council and community facilities. The colours and textures of the design celebrate Darwin's unique character, and connect with the immediate civic context and with the broader Darwin community and locality, with the increased height of the building relative to surrounding buildings highlighting the Civic importance of the building.

The proposed building is unique in that it has various edges of interaction within the site, allowing strong circulation and relationships to the surrounding buildings/ features. Crucially, the building orientates itself towards its principal point of arrival via Cavanagh St, with the central lobby positioned on the corner of the site to connect to both the Civic Square and the Civic Park, linking directly to the Galamarrma, 'Tree of Knowledge'. The prominent podium accentuating the Civic functions towards the west provides a focal point at the south-eastern end of Cavanagh Street, providing a strong visual drawcard to the Civic Precinct and prominent backdrop to Galamarrma and the future Civic Plaza.

The tower allows full 360 views of the surroundings, capturing the civic square, civic park and large ocean views to the North-East and South-East of the site. Articulation of key entry points and various edges of interaction allows strong circulation and relationships to the surrounding buildings/ features. The lower car park facade constructed from a variety of bronze folded screens is inspired by the colour and textures of the breathtaking porcellanite stone, which is unique to Darwin and the literal bedrock of the city. The folding screens are designed to create interest to the lower levels, separating from the highly glazed tower above. The simplicity of a glass tower will establish itself as an icon feature for the Darwin City Skyline.

- **Clause 5.5.16 – Active Street Frontages**

Connectivity is used as a main design mechanism in order to be a focal point and a desired destination. The building has pedestrian access on all sides, and subsequently prioritises activating the ground plane through building programming and landscaping, particularly where it address the public domain (Figure 3). The landscape strategy is designed to soften the impact of service walls with areas of full height vegetation sleeving Harry Chan Ave at ground level to provide an attractive, safe and functional route for pedestrians. The ground plan has been altered to recess the wall underneath the ramp in order to break up large monotonous walls, and place any service doors under the shadow of the building. Various façade treatments are also used to create interest with the ground level façade proposed in a different materiality of provide a more human scale to the development.

The development further seeks to promote site responsive design in a manner that is both visually appealing and functional while contributing to a safe and engaging environment. The design responds to the state masterplan (Figure 1) by orientating itself towards Cavanagh St and Galamarrma the Tree of Knowledge. In doing so, it encourages external connectivity of the Darwin Civic Centre with the surrounding Civic Park public open space and businesses, which is identified in the State Masterplan as a critical urban design element that will underpin the success of the DCC building and public realm. Given pedestrians can access all sides of the development, the ground plan has opted to divert pedestrian traffic through the site along Civic Park and the existing Civic Centre (Figure 2) in order to promote active frontages in line with the planning scheme and state masterplan.

Furthermore, the ground floor building program offered via the library and community spaces will enhance engagement and pedestrian activity, and allow Council amenity and the park to operate as one fluid space, which would stimulate the overflows of public realm spaces for larger events and draw people to the DCC site for smaller, multiple events in and around the built form. A high degree of visibility will also assist passive surveillance and generate a feeling of safety around the centre.

Figure 1 – State Masterplan



Figure 2 – Proposed Masterplan

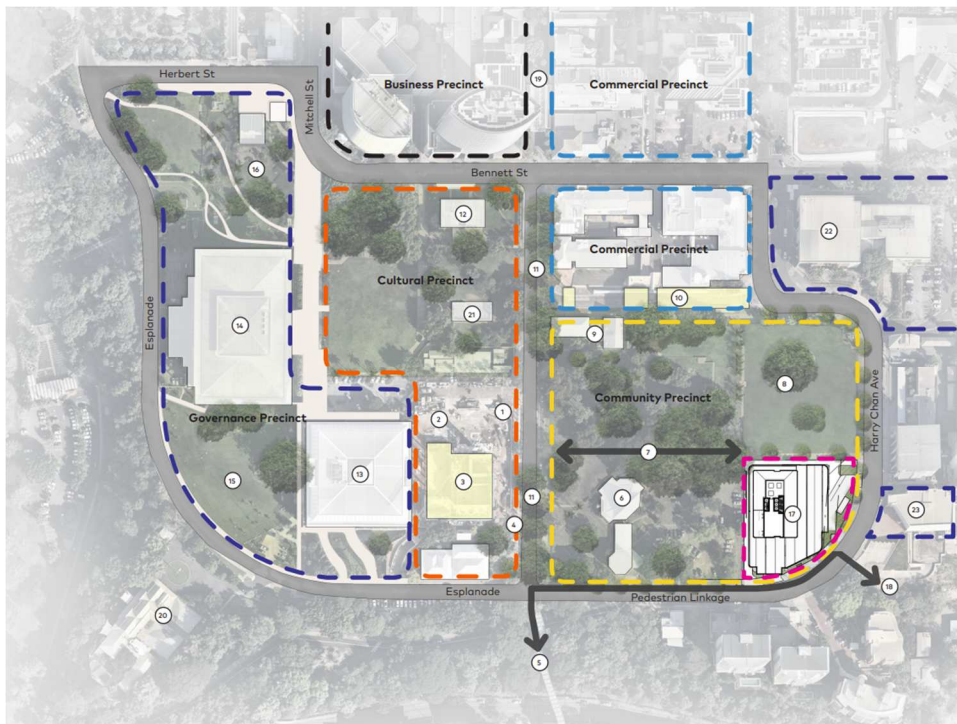
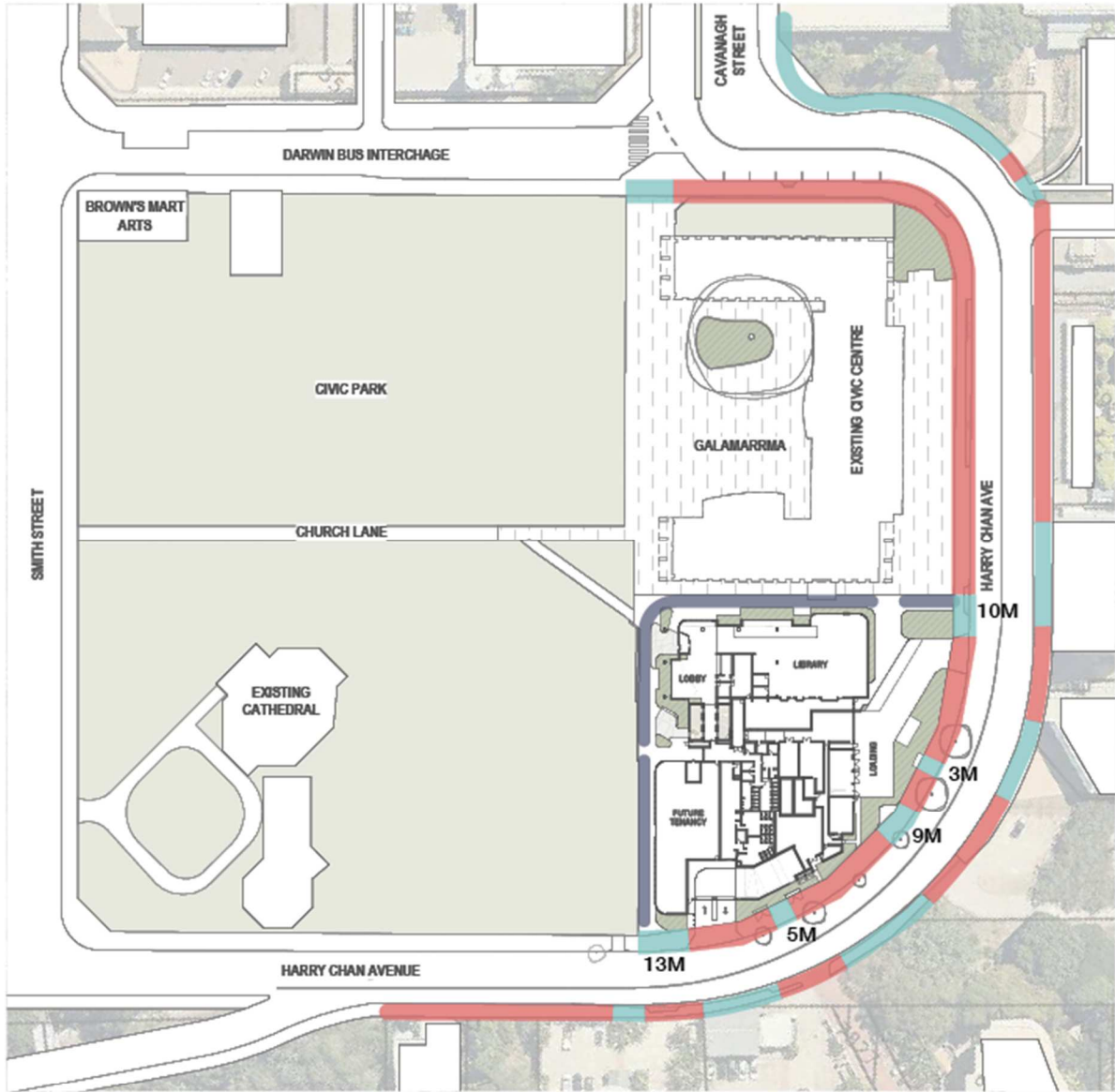


Figure 3 – Active Street Frontages



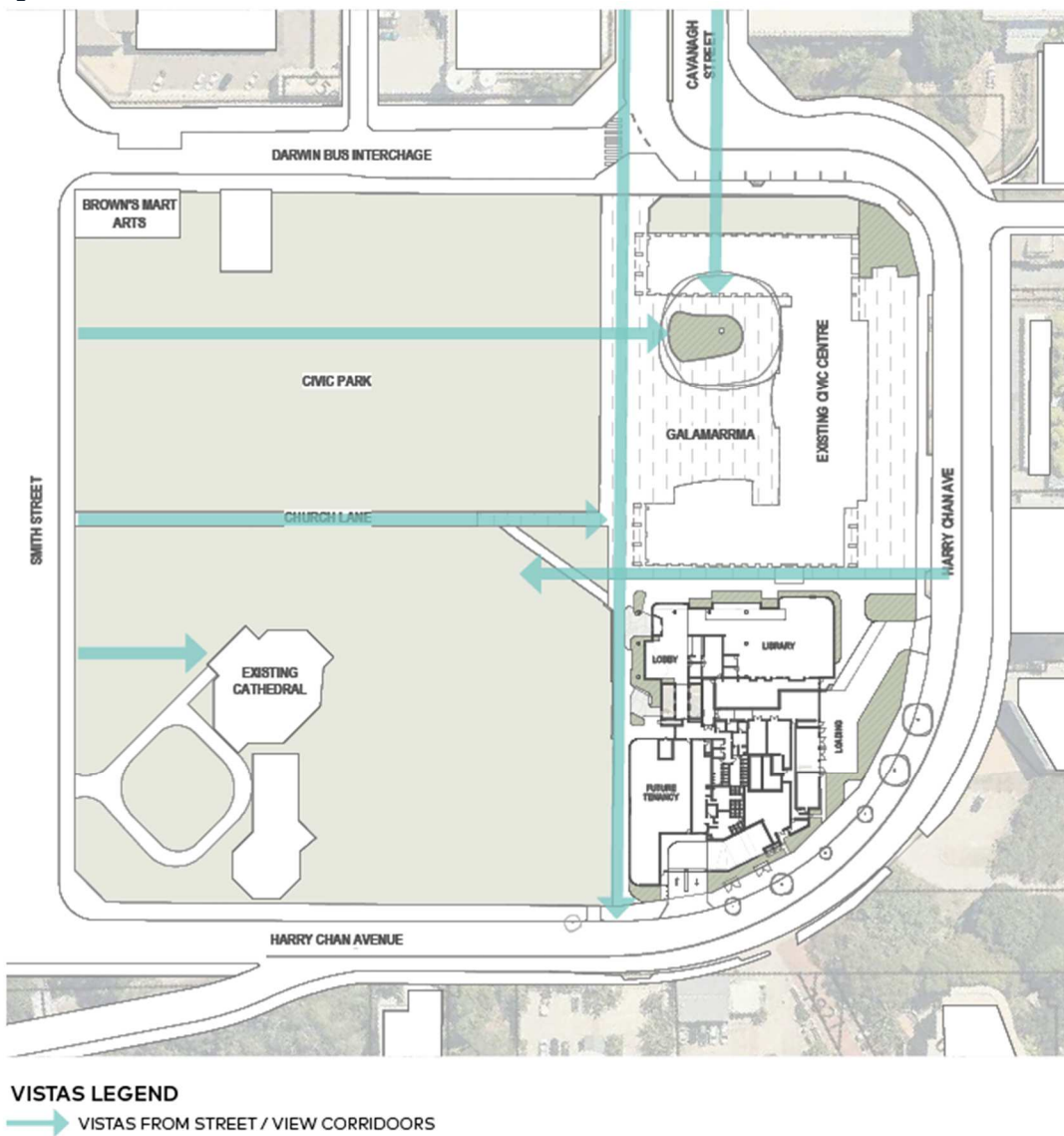
- DCC SITE**
- ACTIVE FRONTAGE PER NTPS C5.5.16 (40M)
 - INACTIVE FRONTAGE
 - INTERNAL ACTIVE FRONTAGE
- ADJACENT SITES**
- ACTIVE FRONTAGE PER NTPS C5.5.16
 - INACTIVE FRONTAGE

Clause 5.5.3 – General Building and Site Design

- Clause 5.5.3 sub-clause 2: Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.

The proposed development does not impact any existing vistas along streets to buildings and places of architectural, landscape or cultural significance (Figure 4). The ground level is set in to maintain a visual connection at eye level from Cavanagh St through to Harry Chan Avenue. The development sleeves the south east perimeter of the site in order to preserve the view corridor from Cavanagh Street through to Galamarrma the Tree of Knowledge.

Figure 4 – Site Vistas



- **Clause 5.5.3 sub-clause 3: Be sympathetic to the character of buildings in the immediate vicinity;**
Clause 5.5.15 sub-clause 12: Building design is to be sympathetic to the character of buildings in the immediate locality.

The character of surrounding buildings is diverse in both scale and appearance. Adjacent buildings along Harry Chan Ave consist of a variety of lobbies, services including substations and hydrant boosters, solid walls and various crossovers and garage doors. Typologies and scales are mixed, with multi storey apartment buildings making up the bulk of adjacencies, in addition to multi storey offices, The William Forster Barrister chambers, and a small amount of commercial and private residential (Figure 5). The character of adjacent architecture is highly varied. The DCC is designed with the approach of being sympathetic to local character via material selection, colours, and textures that harmonize with the surrounds (Figure 6) while allowing for contemporary interpretation. The tower itself is set back from the podium to reduce its perceived scale and visual impact. The development is designed to limit its volumetric impact on buildings in the locality by siting of the tower to the corner of the site, adjacent to buildings of similar scales. In most instances, the ground plane recessed in and has planting zones sleeving where the building connects with the ground plane.

Figure 5 – Adjacent Buildings



Figure 6 – Materials, Colour and Textures

CONCEPT
INSPIRED BY LOCAL GEOLOGY



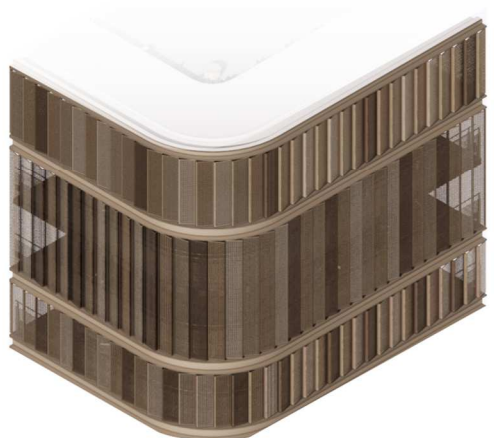
PORCELLANITE ROCK FORMATION IMAGES BY SHANE DIGAN, TAKEN FROM EAST POINT, DARWIN
THE FACADE IS INSPIRED BY THE COLOUR AND TEXTURES OF THE BREATHTAKING PORCELLANITE STONE, WHICH IS UNIQUE TO DARWIN AND THE LITERAL BEDROCK OF THE CITY.



Facade Concept

The facade colour scheme draws inspiration from the unique hues and textures of porcellanite stone, a striking feature of Darwin's natural landscape. This sedimentary rock, formed under tropical conditions, showcases a palette of earthy browns, warm oranges, and deep bronze yellows, often interspersed with softer, muted greys and whites.

By mirroring these tones, the facade connects harmoniously with its environment, evoking the rugged beauty and cultural richness of the region.

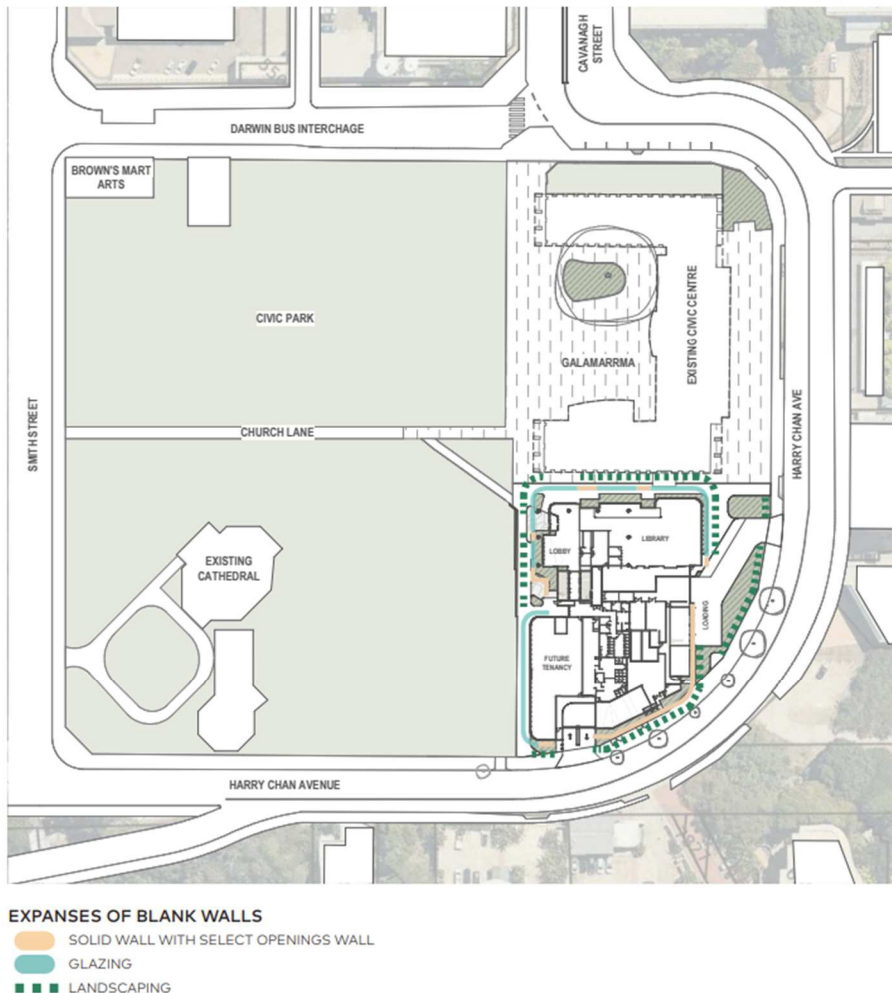


TYPICAL CAR PARK SCREEN

- **Clause 5.5.3 sub-clause 4: Minimise expanses of blank walls;**
Clause 5.5.15 sub-clause 14: Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

Wherever possible, services including refuse, tanks and stores are accessed internally via the service vehicle loading dock in order to minimise the impact on the Harry Chan Avenue streetscape. Air conditioner plant is elevated to roof and an intermediate plant level, which are both fully screened from neighbouring properties. Where services must be boundary adjacent, planting is proposed with the entirety of the Harry Chan Avenue boundary sleeved with full height vegetation. The ground plane facing Harry Chan Avenue has been recessed below the ramp, with access doors rationalised in order to maximise planting opportunity and push service door access below the shadow of the building. Where reflective surfaces are proposed, low emissivity glass is proposed with external light reflectivity within normal tolerances (Figure 7).

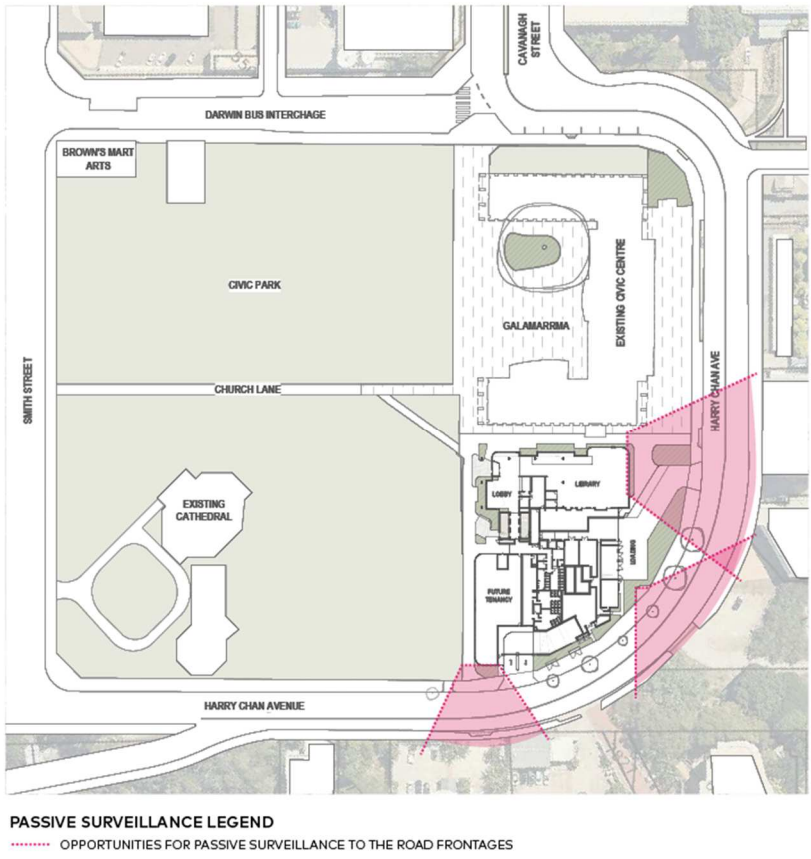
Figure 7 – Wall Expanses



- **Clause 5.5.3 sub-clause 9: Minimise use of reflective surfaces.**

The development utilises a high level of façade glazing, however, the extent of glazing has been rationalised to that which is required for the amenity of future users of the building. Whilst glass is a reflective surface, modern glare-reducing glazing is proposed to minimise visible light reflectance. Furthermore, glazing is an effective material to promote site activation through enhanced visibility, transparency, and interaction between spaces. The partial reflectivity that does occur can be an effective tool in reflecting the surrounding environment which enhances a site’s presence, particularly at night where illuminated interiors create a welcoming glow, keeping the site activated even after dark. Visual connectivity and passive surveillance (figure 8) are improved, whilst a high degree of amenity is provided to internal building users through perceived spaciousness and natural light access.

Figure 8 – Passive Surveillance



Kind regards,
 Carlo Amerio



Director – CA Architects
 FRAIA

P 07 4031 6367
 E reception@caarchitects.com.au

CAIRNS | BRISBANE | TOWNSVILLE | DARWIN



26 February 2025

Attention: Jay McNeice
DCOH
Level 18, 19 The Mall
Darwin, NT, 0800

Dear Jay

Re: Darwin Civic Centre, Response to DA Conditions C5.5.15

ADG is providing façade engineering consultancy services to DCOH for the Darwin Civic Centre Project. ADG understands that the project is required to comply with planning condition C5.5.15 which states:

14. Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

Glare and reflectivity risk is primarily influenced by the orientation/form of the development and the reflectivity of external materials used in the facade.

The glare and reflectivity risk associated with the engineering of the façade systems is being managed through appropriate glass selection within the curtain wall.

Low-emissivity glass is being adopted to reduce solar energy (heat) gains within the building by rejecting solar light in the infra-red and ultra-violet light wavelengths. Infra-red and ultra-violet light wavelengths are not visible to the human eye. Consideration is being given to selecting glass with external light reflectivity levels (within the visual light wavelengths) that is within generally accepted tolerances established by local authorities in Australia. Such thresholds generally do not exceed 20% external reflectivity levels.

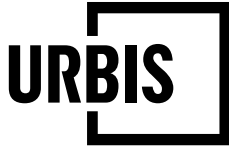
Kind regards,

Peter Cauchois

Project Director (Facades)

ADG ENGINEERS (AUST) PTY LTD





LEVEL 32
300 GEORGE STREET
BRISBANE QLD 4000

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

19 February 2025

Jay McNeice
DCOH
Ground Level, 62 Cavenagh St
Darwin NT 0800

Dear Jay,

DARWIN CIVIC CENTRE TRAFFIC STATEMENT – ACCESS ARRANGEMENT

Urbis has been engaged by DCOH to provide traffic engineering advice for the Darwin Civic Centre development located at Harry Chan Avenue, Darwin. A traffic impact assessment was prepared for the development application, dated 22 Nov 2024.

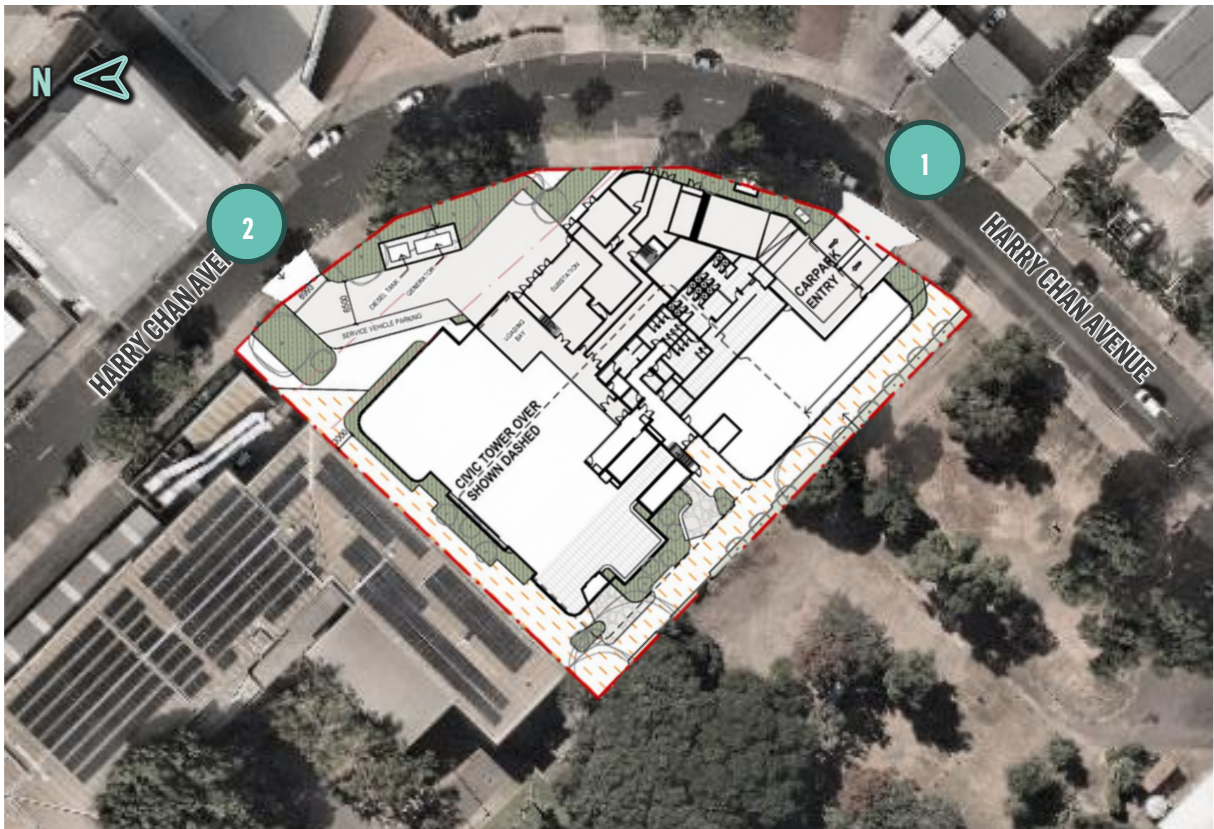
This letter has been prepared to respond to a comment from the Development Consent Authority (DCA) referring to Clause 5.5.16(5) of the NT Planning Scheme, which states:

“services on street level frontages are to be limited to a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a traffic study for the site)”

The site proposes two access points on Harry Chan Avenue as indicated on Figure 1, which cater to the following users:

1. Light vehicles (cars)
2. Servicing vehicles (trucks)

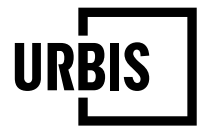
Figure 1 Access Locations



The design has proposed separate access points for the following reasons:

- Separation of heavy vehicles and light vehicles provides a safer outcome as combining the vehicle movements would require an internal intersection where the two vehicle paths meet, creating conflict areas between users.
- Based on the access design standards, the access for light vehicles requires a median splitter to separate entry and exit paths due to the capacity of the car park. If servicing vehicle movements were to be incorporated into the design, the overall access width would be significantly wider, to accommodate independent entry and exit truck movements. This would result in extremely wide pedestrian crossing distances across the access, which is not a safe outcome. Additionally, the site frontage would be dominated by the site access which is not a desirable street amenity outcome.
- Keeping servicing vehicles movements separate allows for more efficient loading / unloading times as trucks would not need to wait for or negotiate manoeuvring with light vehicles.

Based on the above, the provision of two access points is considered to be a safer and more efficient outcome for the site and surrounding road network.



Kind regards,

A handwritten signature in black ink, appearing to read "Alice Shi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alice Shi
Associate Director
+61 7 3007 3831
ashi@urbis.com.au

Memo

To: Jay McNeice
From: Simon Watkins
Subject: Consolidation of Service Doors on Harry Chan
Our ref: PS217613-WSP-FS-RPT-0001 Rev2 [Harry Chan Doors]
Date: 28 February 2025

This memo outlines the determination of required doorways, from an engineering perspective, proposed to be located on the building façade facing Harry Chan Avenue.

Figure 1 Annotated extract of Architectural Sketch 2025-02-17 CAA markup – GA Plan Level 1 (Overall)

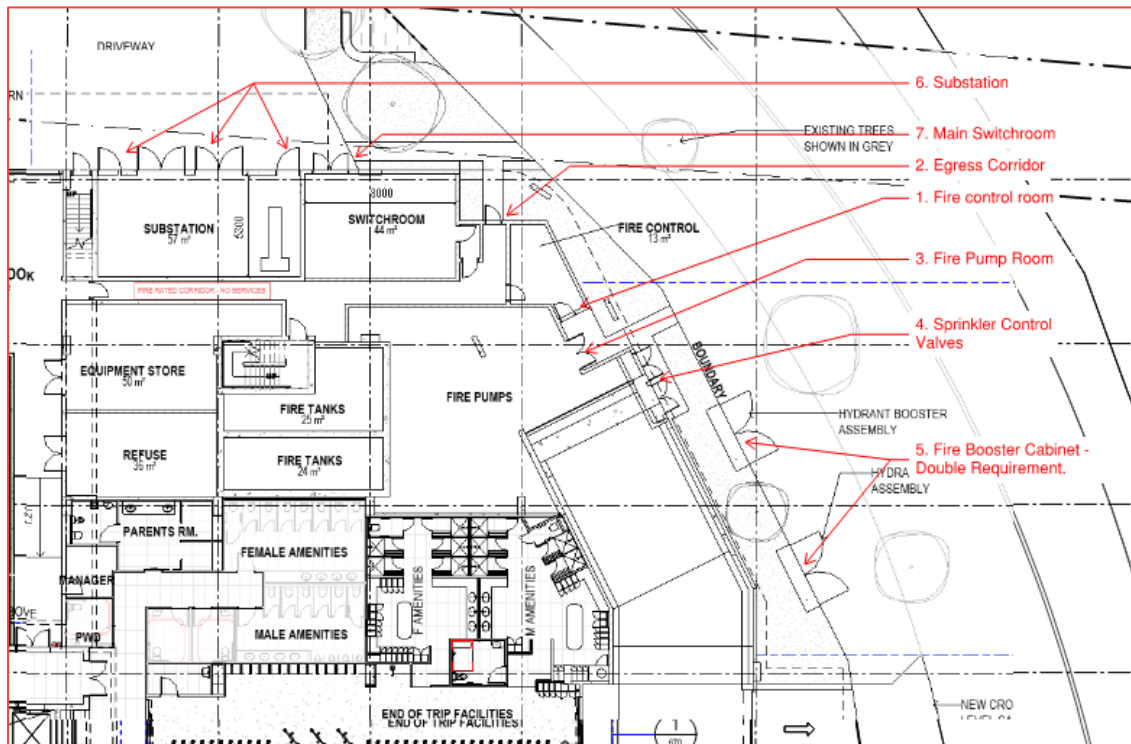


Table 1 Doorway requirements. Corresponding to Figure 1 annotations above

Ref	Area	Requirement	Status
1	Fire Control Room	NTFRS require the Fire Control room to be in close proximity and visible to the hydrant/sprinkler booster and sprinkler control valves as outlined in the NTFast Fire contractors Guide Book Rev7.4.	Required

Level 5, 37 Woods Street
 Darwin NT 0800
 GPO Box 4421
 Darwin NT 0801

Tel: +61 8 8980 5900
www.wsp.com

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Ref	Area	Requirement	Status
2	Egress Corridor	Fire escape.	Commentary by architect / certifier.
3	Fire Pump Room	Double access doors are required for equipment installation and removal. Anticipated that these will be louvred to allow for room ventilation. The only available orientation is to Harry Chan as all other walls or internal.	Required. Either as double louvre doors or louvre.
4	Sprinkler Valve Cupboards	NCC S17C6 requires sprinkler control valves to be in a secure room or enclosure which has direct access to a road or open space. NTFRS operational requirements requires sprinkler control valves to be in a separate room to the pump room for acoustic separation.	Relocation of these has been investigated, but NTFRS has returned objection and requirement to be retained. Refer attached correspondence.
5	Booster Cabinets (x2)	AS 2419.1 clause 5.3.1.2 requires two large bore suction connections if the total fire flow rate is more than 40 l/s (5b). If less or equal than 40 l/s, one large bore suction is required (5a) The current fire demand is 20 l/s for hydrants, min 18 l/s for sprinklers plus approximately 5 – 7 l/s for drenchers. The drenchers are in addition to the sprinkler demand, which gives a total of 45 l/s. The large bore suction connection is to be within 4.5m to a hardstand to enable connection to the fire appliance. When there are 2 large bore suction connection, they need to be a minimum 10.0m apart. NTFRS operational requirements also require feed hydrants within the booster assembly.	Fire performance engineering requirements to be finalised to determine if the gross site fire water demand is less than 40l/s: 1 x Booster cabinet if equal or less than 40l/s 2 x Booster cabinets if greater than 40 l/s
6	Substation	Power Water Standard 2 transformer substation S02-02-07-24 requires this exact configuration (Option1) for access, egress and equipment loading. Refer Attached.	Required
7	Main Switchroom	Requires an external double door for equipment loading and for emergency egress. Main switchroom requires second emergency exit under NCC	Second exit to egress corridor provided, so only 1 external door

Regards

Simon Watkins
Director, Building Services Manager NT

Watkins, Simon

From: Cooper, Shane
Sent: Tuesday, 25 February 2025 10:58 AM
To: Watkins, Simon; Bradley, Padraic
Subject: FW: Darwin Civic Centre

Simon,

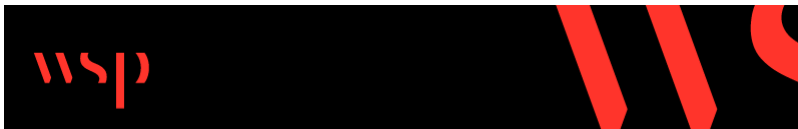
With respect to the location of the sprinkler valves, the fire service do not support relocation either into the pump room, or off the egress corridor. As such they must remain as presently located.

Shane Cooper
Senior Building Certifier

T: +61 8 8980 5931
M: +61 439 326 734

WSP
Level 5,37 Woods Street
Darwin, 0800
Australia

wsp.com



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From: Jenkins, Matthew <Matthew.Jenkins@pfes.nt.gov.au>
Sent: Tuesday, 25 February 2025 10:48 AM
To: Cooper, Shane <Shane.Cooper@wsp.com>
Cc: Mckinnon, Anthony <Anthony.Mckinnon@pfes.nt.gov.au>
Subject: RE: Darwin Civic Centre [Filed 25 Feb 2025 10:55]

Good Morning Shane,

Thank you for sending this through.

Regarding the questions raised by the Planning Authority, the NTFRS does not support either option and recommends that the sprinkler valves remain separate from the pump room and retain direct access from the street.

The NTFRS expect that the proposed relocations are completed in compliance with the relevant DtS requirements NCC and Australian Standards.

Kind Regards

Matt Jenkins | Station Officer

From: Cooper, Shane <Shane.Cooper@wsp.com>
Sent: Tuesday, 25 February 2025 10:08 AM
To: Jenkins, Matthew <Matthew.Jenkins@pfes.nt.gov.au>
Cc: Mckinnon, Anthony <Anthony.Mckinnon@pfes.nt.gov.au>
Subject: Darwin Civic Centre

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Matt,

With respect to the above project the planning authority are questioning the number of services doors fronting Hary Chan Ave, given that this is essentially the back of the building.

At present the sprinkler valves are located in a cupboard adjacent to the pump room with direct access from the street. This serves to provide convenient access that is acoustically separated from the pump room.

All doors apart from the sprinkler valve cupboard are fixed in location, however for the sprinkler valves we have two options –

1. Sprinkler valves are located and access from within the pump room only. This option would leave the valves in the present location, but not accessible externally
2. Sprinkler valves are relocated to a room off the fire isolated corridor as indicated on the attached.

I understand that preference would be for the valves to not be within the pump room although this is not prohibited under that standard, while the second option may impact occupant evacuation.

Please review and comment as appropriate.

Regards

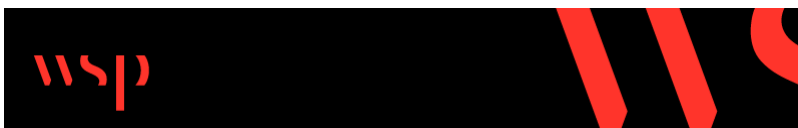
Shane Cooper
Senior Building Certifier

T: +61 8 8980 5931

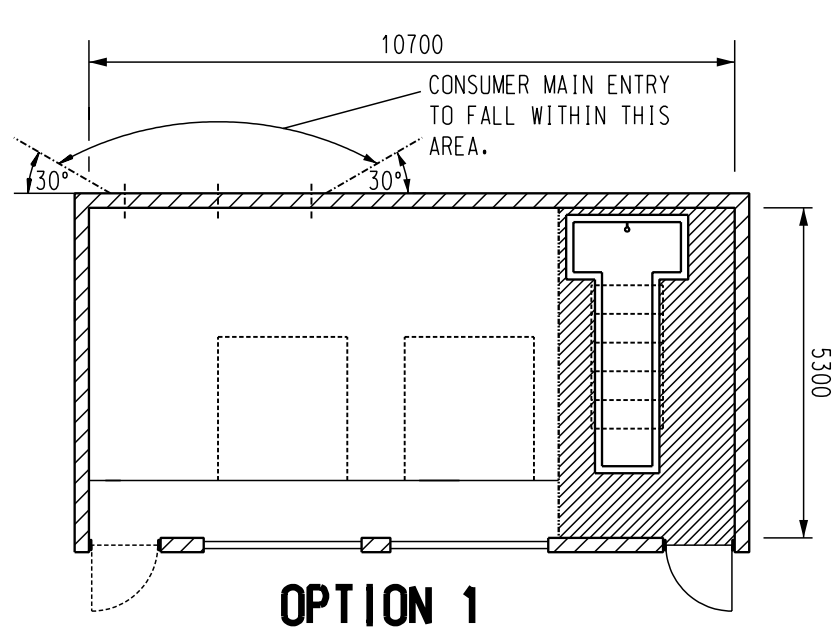
M: +61 439 326 734

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Level 5,37 Woods Street
Darwin, 0800
Australia

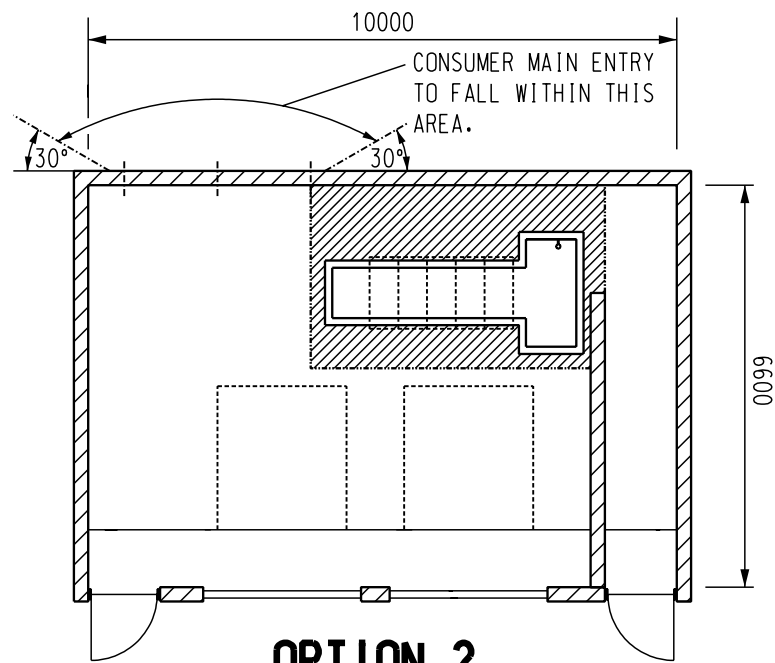
wsp.com



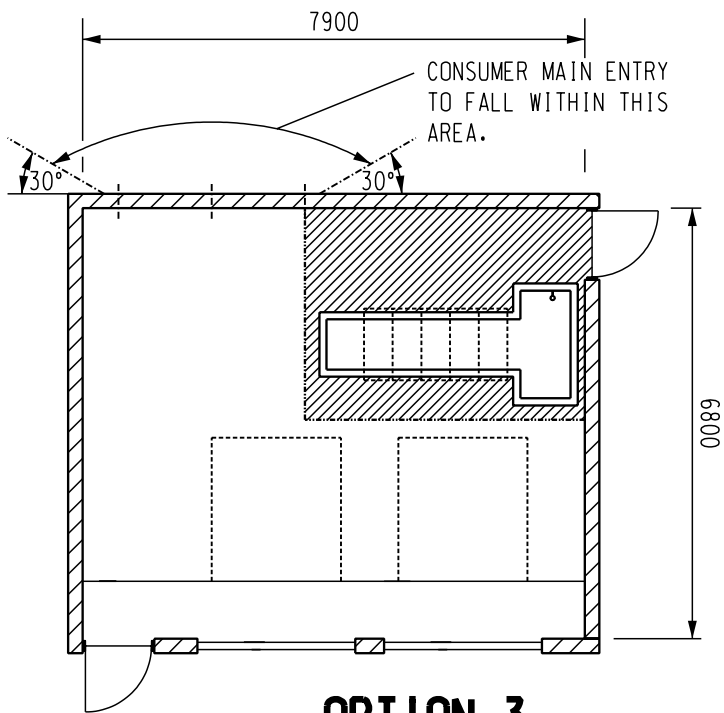
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OPTION 1



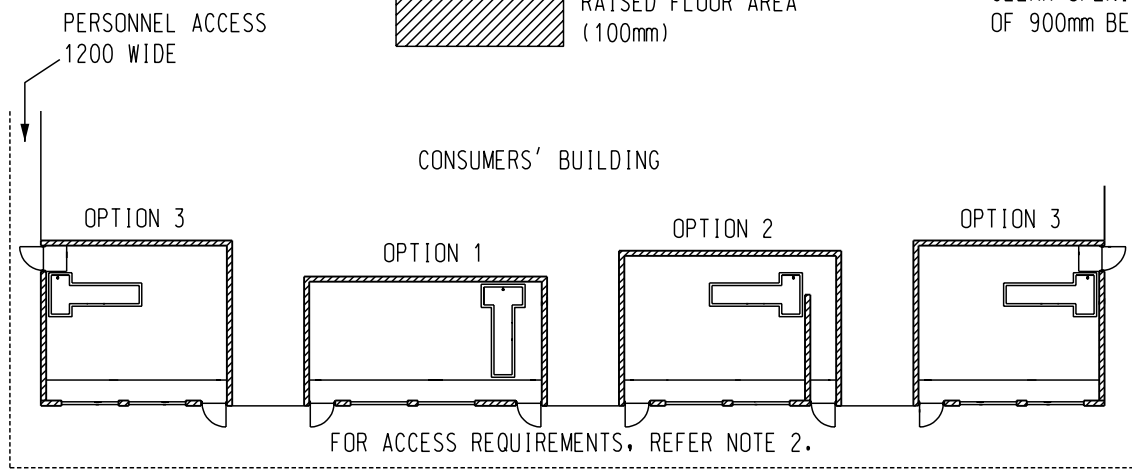
OPTION 2



OPTION 3

LEGEND

- RAISED FLOOR LINE
- RAISED FLOOR AREA (100mm)



KEY DIAGRAM - PLAN VIEW

NOTES

1. PURPOSE OF OPTION PLAN
THIS DRAWING ILLUSTRATES THE RANGE OF OPTIONS AVAILABLE FOR THIS TYPE OF SUBSTATION. ALL SUBSTATION PLANS CAN BE MIRROR-IMAGED TO SUIT THE CONSUMERS' BUILDING LAYOUT. REFERENCE SHOULD BE MADE TO THE DRAWINGS LISTED BELOW FOR CONSTRUCTION DETAILS AND TO THE PUBLICATION "ELECTRICITY SUPPLY TO LARGE CUSTOMERS" FOR ADDITIONAL INFORMATION.
2. ACCESS
UNLESS THE CHAMBER FRONTS ONTO THE STREET, AN ACCESS ROAD FOR HEAVY VEHICLES IS REQUIRED FROM THE STREET TO THE FRONT OF THE SUBSTATION CHAMBER. REFER TO THE PUBLICATION "ELECTRICITY SUPPLY TO LARGE CUSTOMERS" FOR ACCESS REQUIREMENTS. ACCESS TO THE SUBSTATION CHAMBER SHALL NOT BE VIA A SECURE PART OF THE CONSUMERS PROPERTY.
3. SITE
THE GROUND BENEATH THE SUBSTATION MAY BE REQUIRED TO ACCOMMODATE DEEP EARTHING ELECTRODES. IT MUST BE FREE OF ALL OBSTRUCTIONS, INCLUDING SEWERS, PIPES AND UNDERGROUND CONSTRUCTION.
4. STEPS
UP TO 3 STEPS INCLUDING AN APPROPRIATE HANDRAIL MAY BE PROVIDED AT ANY PERSONNEL DOOR. IF STEPS ARE TO BE LOCATED WITHIN THE SUBSTATION CHAMBER, IT WILL BE NECESSARY TO EXTEND THE SUBSTATION CHAMBER TO ACCOMMODATE THE ENCROACHMENT OF THE STEPS SUCH THAT THE INTERNAL DIMENSIONS OF THE SUBSTATION CHAMBER ARE NOT REDUCED.
5. SUBSTATION HEADROOM - 3000mm MINIMUM.
6. DEPTH OF HV PIT - 900mm.
7. INTERNAL DIMENSIONS
SUBSTATION INTERNAL DIMENSIONS WILL VARY DEPENDING ON THE LOCATION IN WHICH EQUIPMENT IS INSTALLED. THOUGHT OUT THE SUBSTATION CHAMBER A MINIMUM OF 1000mm CLEAR OPENING SHALL BE PROVIDED FROM ANY STRUCTURE TO EQUIPMENT AND A MINIMUM OF 900mm BETWEEN EQUIPMENT.

INTERNAL FITOUT DETAILS	S02-02-07-52
	S02-02-07-53
INDOOR SUBSTATION SURFACE CHAMBERS CONSTRUCTION NOTES	S02-02-07-00
TWO TRANSFORMER INDOOR SUBSTATION SURFACE CHAMBER - OPTION 3	S02-02-07-33
CONSTRUCTION DETAILS	S02-02-07-32
	S02-02-07-31
TWO TRANSFORMER INDOOR SUBSTATION SURFACE CHAMBER - OPTION 2	S02-02-07-30
CONSTRUCTION DETAILS	S02-02-07-29
	S02-02-07-28
TWO TRANSFORMER INDOOR SUBSTATION SURFACE CHAMBER - OPTION 1	S02-02-07-27
CONSTRUCTION DETAILS	S02-02-07-26
	S02-02-07-25
REFERENCE DRAWING	DRWG. No.

2	TITLEBLOCK & DRAWING NUMBERS FORMATTED	K.T.	FEB'19	C.C.	C.C.
1	NOTE 7 & DIMENSIONS ADDED, DRAWINGS S02-02-07-22 AND S02-02-07-23 REPLACED WITH S02-02-07-00	A.T.	JAN'14	B.C.	B.C.
NO	DESCRIPTION	DRN	DATE	CKD	APPD
AMENDMENTS					



DES	I.PURVES	POWER STANDARD DRAWING		
DRN	G.R./A.D.	INDOOR SUBSTATION		
CKD	S.LEACH	TWO TRANSFORMER ARRANGEMENT		
APPD	F.ROBSON	SURFACE CHAMBER		
SCALE	AS SHOWN	LAYOUT OPTIONS PLAN		
ISSUED	MARCH '98	A3	DRAWING NUMBER	S02-02-07-24
ALL DIM.	IN mm			
DRAFTING STANDARD TO A.S.1100		CAD PRODUCT - DO NOT AMEND MANUALLY		AMD T



Container No: LD200/3981

]Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Madison Harvey

RE:PA2024/0392 - Lot 3981 Town of Darwin - 17 Harry Chan Avenue Darwin City - Mixed use development.

In response development application, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Subdivision clearance is required prior to clearance of this proposed development.
2. This response relates exclusively to the development proposed for Lot 3981, further development may require additional network upgrades.
3. If the water pressures proves insufficient for future irrigation demands, pumps with break tanks equipped with slow-opening and closing valves is recommended.
4. A new sewer access chamber is required near the boundary to serve as the sewer connection point for the proposed development. The new sewer connection within the lot will require registration of easements. The developer is advised to engage a hydraulic consultant.
5. The developer will need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
6. Power and Water are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. Power and Water encourages you to visit the Living Water Smart website <https://www.livingwatersmart.com.au/> to find out more on how to improve your developments landscaping and irrigation.
7. The developer must ensure that;
 - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
 - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

Our database shows a device is installed **and was last tested approximately four years ago, this device must be tested.**

Visit <https://www.powerwater.com.au/developers/water-development/backflow-prevention> or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

8. The developer must ensure that;
 - a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact TradeWasteDept.PWC@powerwater.com.au
 - b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here <https://www.powerwater.com.au/developers/water-development/trade-waste>
9. The developer must contact Power and Water regarding temporary installation of cranes in the road reserve prior to building construction. The developer must propose structural protection of existing PWC assets affected by cranes and crane foundations, then obtain approval from PWC (and other service providers) prior to tower installation of the cranes.
10. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.
11. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on (08) 892 45226, or email waterdevelopment@powerwater.com.au

Yours sincerely

V. Ferraz

Voyia Ferraz

Services Development

07 February 2025

Cc: Brad Cunnington

email: brad@crtpc.com.au

Madison Harvey

From: Thanh Tang <Thanh.Tang@powerwater.com.au>
Sent: Thursday, 13 March 2025 5:20 PM
To: Amit Magotra; Madison Harvey; development consentauthority
Cc: Daryl Skehan; Brad Cunnington; Drew Miller; Jay Mcneice; Lachlan Michell; PowerDevelopment PWC
Subject: Power advice to DAS regarding Letter of Deferral PA2024/0392 Darwin Civic Centre / Offices - Lot 3981 (17) Harry Chan Avenue, Darwin City (NE200/3981)
Attachments: SIGNED - Letter of Deferral PA2024.0392.pdf; ATTACHMENT Revised Architectural.pdf

Hi Amit / Madison,

In response to the attached DCA Letter of Deferral PA2024/0392 dated 21 Feb 2025, Power and Water (PWC) provides the following additional information statements to DAS regarding the matter of achieving a better compliance with **Clause 5.5.16 Active Street Frontage** and power servicing requirements for the proposed Darwin Civic Centre in a 21 storey building:

- The Proponent (DCOH) had consulted with PWC back in December 2024 to carry out suitable power servicing design in accordance with DLPE's "Design Guidance to Provide for Services" on specific technical matters such as:
 - No building basement consideration;
 - Building location consideration above ground to mitigate the ability for ground level screening;
 - Minimizing visual impact consideration of the substation building as being located behind the service vehicle area and removing it further away from the street frontage;
 - Opportunity consideration for screen landscaping and separation whilst complying with critical operational and safety access compliance as per PWC standard indoor substation building design requirements.
- PWC acknowledges that the required indoor substation building is located well away from Harry Chan Avenue frontage with suitable 24hr all-weather access proposal for PWC safe operations and maintenance services when required.
- PWC supports that all reasonable measures were taken by DCOH as per the Attachment Revised Architectural Ground Level Site Plan dated 28 Feb 2025 to minimise the impact of power servicing requirements on active street frontages.

If you have any further query, please contact me on 892 45729.

Regards,

Thanh Tang
Manager Distribution Development | Power Engineering | Power Services



Power and Water Corporation NT
Ben Hammond Complex,
Iliffe Street, Stuart Park
PO Box 37471, Winnellie NT 0821
Tel 08 8924 5729

thanh.tang@powerwater.com.au

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MEMORANDUM

TO

Ms Suzanne Philip
Chair
Development Consent Authority
GPO Box 1680, Darwin
NT 0801

FROM

Vivienne Hayward
9/6 Stoddart Drive
Bayview
NT 0820

Dear Ms Philip

We, the below-named fourteen people have a long-term association with Christ Church Cathedral, and we are writing to express our concern that the City of Darwin Council has proposed that a 21-storey building be erected adjacent to the current office building.

We consider that the erection of such a building would demean the dignity not only of the cathedral but also of the Legislative Assembly, the Supreme Court and the other significant public buildings at the top end of Smith Street, and that it would be totally inappropriate to introduce commercial premises into the city's only civic space. We therefore ask you not to consent to this proposal.

Thank you for your considered attention to this important matter.

On behalf of the below-named people

Margaret Black mawblack1@gmail.com; Beverley Baker beverlev.baker8@bigpond.com;
Susan Bligh sue.bligh56@gmail.com; Vivienne Hayward vhayward@bigpond.net.au; Carolyn
Whyte carolynf.whyte@gmail.com; Agnes McGrath aemcg4@bigpond.com; Cate Bell
cateabell@gmail.com; Andrew Bell andrew@bells.au; Heather Ferguson
heatherf2008@gmail.com; Lynne Strathie lynnestrathie@gmail.com; Allan Phillips
phillial@hotmail.com; Miriam McDonald miri.mcdonald@gmail.com; Jan Hills
jlhills13@gmail.com; Carolyn Whyte carolynf.whyte@gmail.com.

Vivienne Hayward

Yours faithfully

Vivienne Hayward

12 February 2025

Dr. Jan L Hills AM

P.O. Box 954

Darwin NT 0801

Residence

4 King Street Stuart Park.

Email jlhills13@gmail.com: mobile 0438119350

ABN 71516381877

The Chair,
Development Consent Authority
GPO Box 1680 Darwin NT 0800.

March 3, 2025

Dear Ms Philip

At the hearing on Friday February 7 you remarked that there had been no reaction from the Bishop or the Dean of Christ Church Cathedral.

I should have told you the Dean's reaction at the time.

The Dean has radically changed life for long term Christ Church parishioners. I had asked him about the proposal prior to the hearing and he said "What could I do."

However he will be looking forward to the rent already offered by the developer for parking machinery in the Cathedral car park.

The Dean is recently from Sydney, and does not have the cherished love of Darwin which others of us do.

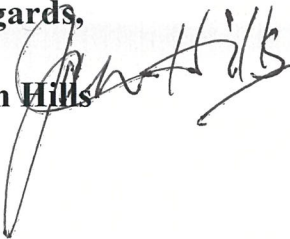
Bishop Greg is a lovely man, speaks several Aboriginal languages and is very happy outside in the communities. He avoids conflict of any kind.

Attention has been drawn to the effect of the proposed building on the stained glass window of the Cathedral-something which I look at each Sunday morning and contemplate, whilst also appreciating the glorious and varying effects which sunlight produces on that array of colour.

I am sure many others do too.

regards,

Jan Hills



E.M-1

The Chair, Ms S. Philip
Development Consent Authority
GPO Box 1680
Darwin N.T.



AUSTRALIA

0801.

Madison Harvey

From: Margaret Clinch <margaret.clinch@bigpond.com>
Sent: Saturday, 8 March 2025 11:32 PM
To: Das NTG
Subject: M A Clinch. Response to letter from Development Assessment Services, to Brad Cunnington, for further information on application.(PA2024/092)

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8.3.2025

Mr Amit Magotra,
Development Consent Authority. ,
Department of Lands, Planning and Environment.

Dear Mr Magotra,

These are some comments after having recently attended the Development Consent Authority relating to Lot 3981(17), Harry Chan Avenue, Darwin.

1. ... pursuant to section 46(4)(b) of the Planning Act 1999, to defer consideration of the application to develop the above land for the purpose of of a mixed use development comprising offices, a community centre, a place of assembly, a food premises, and a car park in a 21 storey building including 4.5 levels above ground level car parking to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application...

2. Most of those attending the hearing might have been expecting a hearing about the development of the new Civic Centre for the people of Darwin, but that was not what really happened. This was a proponent making the case for a 21 Storey building which was mostly a building being build for commercial use, and car parking. However somehow this was being built on Civic Centre land. Only a very small portion, with no detail was to be used as a Civic Centre. In all there was very little

description of the proposed building, and virtually none of anything to do with the Civic Centre.

3. Perhaps a year before, the Lord Mayor (Kon Vatskalis) had let it be known that a new Civic Centre (Town Hall) was necessary. At that time, a public consultation was put in action for groups of people in Darwin to let Council know what facilities they would want and use in the new Civic Centre. The export local firm 'True North' was employed to survey, and gather the facts. Community and stakeholders were involved. The firm produced an excellent 'City of Darwin' Civic Centre Redevelopment Report and distributed to participants in May 2022. The Civic Centre was recognised to be an important community asset and linked to the State Square masterplan. What has the Lord Mayor done with this wonderful arrangement? What has been done by Lord Mayor and Councillors without consultation with residents and rate payers, and with public land?

4. The Chairman began by setting the scene which was found to be very restrictive in what objectors might say. Members at the hearing were very concerned when we were told that this application had nothing to do with the Lord Mayor. The Chairman also said that she had been advised that only the Planning Act, 1999, and the Planning Scheme 2020, were to be used in assessment in this hearing. I do not believe that was correct advice.

In many instances well established local figures stressed the fact that the proposed 21 storey building would be out of character with the surrounding built area. Little notice seemed to be taken of them. It appeared that there was a desire to regard the 21 storey building physically part of the CBD area, when the local Law Courts, a bus terminus and the ABC in between before Bennett Street.

This throws doubt of the concept of a Gateway Status for the development. Lower parts of it have a bastion appearance, and it is recognised to be only of 'standard' level in planning design, and hardly approachable on some sides.

5. There was great concern about the mixed funding arrangements possibly causing problems.

6. At the end of the meeting, there was mention to the proponent of a subdivision of the land on which the council now stands, as if it was all settled.

7. We were able to make it became clear that the Central Darwin Area Plan (the responsible of the NT Planning Commission) contains a special section which spells out the special TO BE RESPECTED nature of the area in which the CIVIC CENTRE stands. However, the proponent tried to persuade the panel that single clauses did not comply. Obviously that is not correct. The necessary Amenity is similarly protected in the key Section 51 of the Planning Act.

8. In the original application there can be very little detail of the design of specific parts of the 21 story building. Also there are many calls for exemptions.

9. The Net Floor Area (NFA) -Yield shows the area of each floor level except those for Council CP-4 to 6'

10. Council would have very little space comparatively in this building, and that would appear to be only Staff Space and space for official Council sittings only.

CONCLUSION

The Ratepayers and Residents of Darwin must be treated fairly for their CIVIC CENTRE than what would result from this unsatisfactory application.

Please acknowledge this email.

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